

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 836 7191 3958) on Tuesday, July 19, 2022, at 7:30 p.m.

Lewisboro TV: <https://www.youtube.com/watch?v=Af5V2wppmH4>

Present: Janet Andersen, Chair  
Jerome Kerner  
Charlene Indelicato  
Greg La Sorsa  
Bruce Thompson  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Jan Johannessen, AICP, Kellard Sessions Consulting  
Ciorsdan Conran, Planning Board Administrator  
John Wolff, Conservation Advisory Council

Absent: None.

Approximately 25 participants were logged into the Zoom and 11 viewers on YouTube.

Ms. Andersen opened the meeting at 7:32 p.m.

Janet Andersen: Hello everyone. I'm Janet Andersen. I call to order the Town of Lewisboro planning board meeting for Tuesday July 19, 2022, at 7:32pm. The open meetings law changes enacted in the New York state budget enabled us to have this meeting by video conference during an emergency declaration and that emergency declaration was recently extended until August 13, 2022. The Board has agreed to meet virtually as long as circumstances allow. I expect our August meeting to be in person at 79 Bouton Road, but if the governor issues another extension to the emergency, we would then meet virtually. No one is at our in-person meeting location at 79 Bouton Road. This meeting is being recorded. And Ciorsdan Conran has confirmed that the YouTube feed is active and working and that the meeting has been duly noticed and legal notice requirements are fulfilled. We intend to post the recording and a transcript of this meeting to the town website; the Zoom video will also be available on the town's YouTube channel. So, joining me on this Zoom conference from the town of Lewisboro are the members of the planning board: Charlene Indelicato, Jerome Kerner, Greg La Sorsa and if Bruce's isn't here, he is, Bruce Bruce Thompson is joining us now. We do have a quorum and thus we can conduct the business of the board, and we can vote on any matters that come before the board. Also, on the conference call are planning and wetland consultant Jan Johannessen and counsel Jud Siebert as well as planning board administrator Ciorsdan Conran and the CAC chair John Wolff.

We do not have a public hearing scheduled for tonight, and we do not expect to take any public comments at this meeting. Members of the public can always express their views by mail or email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com). Again the public can see in here this meeting live on the TV Lewisboro TV YouTube channel, and we intend to post it there for future review by the public. We ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noises. And during this meeting to ease the recording of our votes, I'll poll the board members individually.

## **I. DECISION**

**Cal #03-13PB, Cal #03-16WP**

(2:17 – 5:43)

**“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 and Sheet 51, Block 10057, Lot 104 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record) - Applications for Subdivision, Wetland Activity and Stormwater Permits for the construction of a 13-lot subdivision.**

[Susan Haft and Eric Moss, owners; and Gerri Tortorella, Esq., Hocherman Tortorella & Wekstein, LLP.]

Janet Andersen: So, with that, our the first item on our agenda is calendar number 03- 13PB, calendar number 3-16WP. This is Silvermine Preserve, on Silvermine Drive & Lockwood Road, South Salem, New York and it's an application for subdivision, wetland activity, and stormwater permits for the construction of a 13-lot subdivision. And we did have a public hearing that opened and closed during the meeting on in June of 2022, last month, and we received additional public comments up until, that was open until July 5, and we've had received a number of comments then and since then. We did, the board requested the prepar...., preparation of a resolution last month and I know that our consultants and attorney have been working on this and have provided a draft for the board's consideration and some drafts came out as recently as this afternoon. So, I think the draft is a work in progress and based on that, if the applicant is amenable and if the board agrees, I recommend tabling this item to the August 16<sup>th</sup> meeting. And the statutory time to act upon this final plat application is still open by that date, so we don't run into any problems. So, I'd look for I guess first the applicant to see if that would be all right, and then see if, for any board members have any comments on that.

Gerri Tortorella: Gerri Tortorella of Hocherman Tortorella and Wekstein, and we're council for the applicants on this subdivision. We don't have any objection to that, I mean we just recently got access to the resolution as well and wanted a chance to review it and you know if there are any questions consult with counsel about that, planning board counsel about that, so we don't have any objection through August 16, 2022.

Janet Andersen: Okay Jerome.

Jerome Kerner: So, I'd like to make a motion that we table the the action on the resolution until the August meeting.

Judson Siebert: Yeah, I don't think we necessarily need a motion. If the board wishes to do so, we'll just hold it over.

Jerome Kerner: Okay.

Janet Andersen: Yeah, and I don't hear any anybody disagree to that so speak up quickly or else. Okay, I think Gerri, we'll see you in August and then hope that you have a chance to look at the the resolution with your applicant with the with your clients, between now and then, so I think that's good. Okay, thank you.

Judson Siebert: This is, you know, this is a you know, a fairly detailed resolution. I was on vacation last week, so you know, to the extent we're holding it over perhaps some of that rest with my my downtime, but I think it would be beneficial for us just to take a month, take a look at it.

Janet Andersen: Yeah, and I know I had a couple of comments earlier today so it's, it's still it's still moving, so thank you all and we'll see you again in August.

Gerri Tortorella: Thank you.

**Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW**

(5:44 - 19:01)

**Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Lewisboro Commons Housing Development Fund Co., Inc., owner of record)** – Amendment of Condition 67 in the Resolution granting Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit, dated February 26, 2019.

[John Bainlardi, WBP Development LLC, was present.]

Janet Andersen: Okay, the next item on our agenda is also a decision. It's calendar number 10-15PB, calendar number 20 -17WP and calendar 5-17SW. This is Lewisboro Commons, also known as Wilder Balter at 100 Beekman Lane, Goldens Bridge, New York. This is an amendment of condition 67 in the Resolution that grants site development plan approval, wetland activity permit approval, and town stormwater permit granted on sorry dated on February 26, 2019. We heard and discussed this in our June 2022 meeting it was a request from the applicant and from the Goldens Bridge Fire Department to amend the Resolution regarding some of the fire protection in the in the buildings and we do have a resolution so Jan if you would maybe like to just highlight what the resolution tells us.

Jan Johannessen: Sure. At the board's request, we put together a resolution which amends the February 26, 2019, the approving Resolution for this 42-unit multi-family residential development in in Goldens Bridge on Route 22. Property consists of 35.4 acres, proposed to be five buildings, board approved the project in February 2019 by Resolution, the site plans were signed, building permits were issued, construction has commenced, it's well under construction at this point. There was a condition number 67 in the approving Resolution that states, I'll quote, "each building shall be equipped with an additional fire connection and dry line to serve sprinkler heads in the building's attics," this was in addition to the automatic sprinkler system that's provided in in all the buildings in the in the living livable spaces. We did receive that email from Rob Melillo of the fire department, Goldens Bridge Fire Department which requested that if the sprinkler systems in the attics could not be connected to the main system that they would prefer that they not be installed at all. It's not feasible to connect those, those fire sprinkler systems to the main system, they're not required by code, the fire suppression in the attics. So, this resolution at the request of fire department removes condition number 67 from the approving Resolution.

Janet Andersen: Thank you. So, I'd look for a motion to approve the resolution as distributed to the to the board and and outlined here by Jan. Charlene I didn't hear you, but I saw the motions, so that you moved.

Charlene Indelicato: Yes, I move.

Jerome Kerner: Second.

Janet Andersen: And Jerome seconded. Do we have any discussion on this? Ok, I will poll the...

Greg La Sorsa: Hold on if you don't mind.

Janet Andersen: Go ahead, Greg.

Greg La Sorsa: I I don't get that and I don't see any evidence to indicate that the the use of the dry sprinkle was not feasible I just think or the use of a sprinkler in the attic is not feasible. I just think that they based on the email that I read that since it's not connected to the main water system that wouldn't be something that the fire department wants to deal with, so I mean I don't know why we're not putting a sprinkler into the attic. I mean, I certainly don't like the way in which we're going about doing this, setting a very bad precedent. And you know.

Jerome Kerner: What what's bad about it Greg? I don't understand.

Greg La Sorsa: I don't like the idea that you can change the Resolution under these circumstances, Jerome. I mean we've had no no evidence whatsoever; this is put before us at the last meeting, I got an email from Rob Melillo the day after the last meeting. It it raises more questions than it answers and now we've got a resolution already and I'd like you know I hope we don't use this as a basis to do other things I mean it's obvious that we're going to pass this but, you know.

Janet Andersen: Yeah, I think what I think actually Jerome said this in our last meeting that this is typically a condition that is discussed by the building inspector and the fire department and making sure that it's it aligns with the codes at that and know. That that are there and it's.

Greg La Sorsa: We have a resolution.

Janet Andersen: Well, and we put it in the resolution at the request of the fire department, as I recall.

Greg La Sorsa: As well, obviously, the fire department wanted something to be done and the manner in which they doing it that are coupled with I don't think it means that they don't want a sprinkler in the attic.

Janet Andersen: Okay, well, I could be.

Greg La Sorsa: I'll just say directly all they have to do is discharge the water, but to bring water to the attic, they don't want to do that.

Janet Andersen: I, my understanding, and I could be incorrect, is that that's not conditioned space, so that it would be subject to freezing and that's certainly not.

Greg La Sorsa: So so that's what you know I don't know that. Okay, I don't know where you got that information from, certainly hasn't been brought out to any information in front of this board, we you know.

Janet Andersen: John would you like to comment.

John Bainlardi: Yes, regardless of whether it's feasible or not, the applicant is not prepared to put sprinklers into the automatic system in the attic. This was, this was a clear position taken during the approval process. The applicants made the presentation made the gesture to do this to get to the finish line. The fire departments, honestly the rank and file in the in the fire departments never wanted this, this was really this was really the politics of it. And and. In any events they've made it abundantly clear that they do not want this dry system in the attic. We've stopped the installation of that, we're ready to to get certificates of occupancy and occupy these buildings. And I would I would respectfully request that you act on this resolution tonight to put this to rest. And in addition, in addition, on the feasibility side, these systems have not been designed to be to incorporate the attic sprinklers into the attics. Three of the buildings are constructed and insulated. And in addition they would require additional infrastructure to protect them during the winter, which is one of the reasons why they're not required under the code to begin with. The purpose of these fire sprinklers is to give the residents, an opportunity to evacuate the building in the event of a fire that's what that's what they will achieve. In addition to the fire sprinklers. You may recall that we do have a 25,000-gallon separate water tank that's dedicated for fire suppression. That that tank was was tested by the fire department last week, they're very pleased with the results and are issuing a letter in accordance with the Resolution requirements. So, and then the last item is, there is not adequate pressure in most of these buildings to effectuate an automatic sprinkler system in the attic.

So, for those reasons, again primarily. The primary reason here is that the fire department does not want them installed so. I'm I'm clearly on the record on this. And you know we've worked very closely here with the fire department now for the last eight months as we constructed this this this project.

Janet Andersen: Okay Bruce it looked like you were getting ready to say something.

Bruce Thompson: Yes, um. Greg, we had a back-end exchange, after the last meeting, I believe, and I was weighing in on why you can't have a dry system and a wet system with one supply for the hookup for the fire department. There are two independent systems they can't be blended. It is just as the was stated earlier, the code does not require that that attic space be sprinklered, this is just a requirement that was added by the fire department, as I understand it back in the approval process but upon further examination, it seems to have more, be more problematic than it does to be, than it is a good solution to a potential problem. Hence, they are. [static] went out there to witness it said they didn't want to pursue that. That's where we are tonight, so I believe it's a wise thing to have done, to have eliminated this from the resolution.

Janet Andersen: Okay, so oh, go ahead Jerome.

Jerome Kerner: I just wanted to say something to for the record. John's Bainlardi just mentioned something about the politics of it, sprinkler system was put in for the politics of it, first of all, we not in the business of politics number one. Number two we shouldn't be in the business of fire protection. It's a building code issue and it falls in the purview of a building inspector. We did make sure that the storage tank was part of the planning process, that would serve that fire suppression system, but other than that that's not our, it's not our responsibility. That's it.

Janet Andersen: Okay, and.

Greg La Sorsa: I, just so that I'm clear, so if we were to prepare a resolution and vote on it and approve it, and if there is some issue that comes up and maybe the building inspector doesn't think that it's appropriate or whatever, then that going forward, that resolution is going to be amended and exclude that that item? Is that is that what we're saying here today. Because I don't remember ever doing this in the last 10 years.

Janet Andersen: I well I don't know if it's if the building inspector says it's not appropriate.

Greg La Sorsa: That's what I'm hearing.

Janet Andersen: I would hope that we would have worked with the building inspector and get something that everybody agreed on, I think what we're saying here is that we put in something at the request of the fire department, they now have said they don't want it. And so, we're amending the, we've have a resolution that would amend the the original Resolution.

Judson Siebert: The resolution at, at the end of the day, whatever is built must remain code compliant under the New York state fire prevention and building code.

Greg La Sorsa: So, our resolution is secondary to whatever the building inspector and the builder decide?

Janet Andersen: But. I think it's to the building inspector. Yeah, I think the building inspector would weigh in on this obviously, and whether a resolution says anything you know.

Greg La Sorsa: Okay again first time I've heard of this in 10 years but it's okay.

Charlene Indelicato: I think it's code driven.

Jerome Kerner: It is code driven.

Greg La Sorsa: I would appreciate that everything is code driven, but you know I mean when we did the resolution, I would assume that we're doing in that regard also.

Janet Andersen: But okay. If are there any more comments? I will poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: No.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye. So, the motion carries to approve this resolution. Thank you.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board granted an amendment to Condition 67 in the Lewisboro Commons (Wilder Balter) 100 Beekman Lane, Goldens Bridge Resolution granting Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit, dated February 26, 2019. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, and Mr. Thompson. Against: Mr. La Sorsa. A copy of the Resolution is attached and is part of these minutes.]

## II. EXTENSION OF TIME REQUESTS

### Cal #05-17SW

(19:02 - 25:07)

**Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Lewisboro Commons Housing Development Fund Co., Inc., owner of record)** – Request for a one-year extension of time to the resolution granting stormwater permit approval.

[John Bainlardi, WBP Development LLC, was present.]

Janet Andersen: Okay, the next item on our agenda is an extension of time request, and this is calendar number 05- 17 SW and again Lewis, Lewisboro Commons also, known as Wilder Balter, 100 Beekman Lane, Goldens Bridge New York, and this is a request for one-year extension of time to the resolution that grants stormwater permit approval. And I believe that the the current permit would expire on August 26, 2022, and there's, so a one-year extension would take it out till August of 2023. John, do you want to make a comment on this?

John Bainlardi: Sure. Construction is substantially complete on the stormwater improvements. We've been under construction for I believe it's coming up on 18 months. We have been having twice a week SWPPP inspections have been performed by the civil engineer of record and your planner's office has been out and doing monthly inspections in addition to inspections by the state, so in order to be able to close out the storm water permit at the end, we have to achieve stabilization of the site, and we have to be 80% stabilized across 100% of the site, so we will not achieve that, before the fall growing season. We're now in a time where it's very difficult to grow grass. And, but the majority of the site work and grading is completed. We're now grading at the, in, in preparation for the final foundation for building five, a grading is substantially complete around the first three buildings. And all the mass grading is completed, the stormwater basins have been substantially completed for more than a year. So, it's possible we may get to, to a place where we can file the notice of termination with the DEC, close out the SWPPP in the fall, but it's equally possible that, if we don't have the required grass coverage that we'll need to go to the spring so that's the reason for the request and my understanding is that these permits are pretty routinely extended.

Janet Andersen: Thank you. I'm, so I'd look for a motion to extend the stormwater permit approval for one year out till August 26, 2023.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome. It looks like Bruce you seconded it? yeah. You're muted, but I'll take that as it. That said, any discussion on this.

Bruce Thompson: I'm unmuted. I second it.

Janet Andersen: Great.

Greg La Sorsa: What do we expect people to begin living in these residences.

John Bainlardi: Either towards the end of July or into August.

Greg La Sorsa: So, can we extend the stormwater approval while people are when people actually inhabit the place?

John Bainlardi: Yes.

Greg La Sorsa: I'm asking Jud actually.

Judson Siebert: Yeah yes, you can.

Jan Johannessen: I think there is separate building permits issued for each building and separate COs would be issued for each building, but the stormwater, wetland permits, site plan approvals go towards you know the issuance of the last CO so those typically stay in place throughout construction, but in a multi-building development, it would be typical to have certain buildings occupied while certain permits are still in place or continues, much like a subdivision you know. Popoli, for instance, you had several still under construction, but five of the units are construction construct constructed and occupied, but we have an ongoing stormwater permit that will stay there for the life of the project until the final CO is issued and hundred percent stabilization.

Jerome Kerner: I think what I heard, though, was that mass grading is done, and so, which would allay my any concern about people inhabiting, you know inhabiting, it's mostly grass and you know, light

manual labor. Is that correct?

John Bainlardi: Correct and in coordination with each with the state HCR [New York State Homes and Community Renewal] and the county. The. There'll be a construction safety plan in place that will be approved by the by the building department which we've already we've already started on. But the the grading is substantially complete and the first buildings that are open, the only thing that will not be complete is the final planting and then the top coat, the final top coat of the asphalt, which will be done at the end of the project will be, it will be temp striping in time.

Janet Andersen: Okay, thank you so. I'm sorry, we had a motion and a second. So, any further discussion on this? I'll poll the board. Charlene

Charlene Indelicato: Aye.

Janet Andersen: Jerome:

Jerome Kerner: Aye.

Janet Andersen: Greg:

Greg La Sorsa: Abstain.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye. So the. So, the request for the one-year extension of time has been approved, thank you.

John Bainlardi: Thank you for the time I appreciate it and stay try to stay cool it's going to be a rough couple of days.

Janet Andersen. You too.

[On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board granted a one-year extension to the Lewisboro Commons (Wilder Balter) 100 Beekman Lane, Goldens Bridge Resolution granting Stormwater Permit Approval dated February 26, 2019; the new expiration date is Monday, August 26, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, and Mr. Thompson. Abstain: Mr. La Sorsa.]

**Cal #08-12PB**

(25:08 - 28:57)

**Petrucelli/Badagliacca, Oscaleta Road, South Salem, NY 10590 Sheet 33B, Block 11157, Lot 46 (Steven Petrucelli and Teresa Badagliacca, owners of record) - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.**

[No one was present on behalf of the owners. Ms. Andersen recused herself at 7:57 p.m. and Mr. Kerner chaired the meeting.]

Janet Andersen: Okay, and the next item on our agenda is one I am recused from so and Jerome has agreed to handle it for me.



Jerome Kerner: Yes, I you know I haven't got the agenda handy, with the calendar number.

Janet Andersen: Okay, I can do that, and then.

Jerome Kerner: Or Ciorsdan could do it if you want to step aside.

Ciorsdan Conran: 08- 12 PB, Oscaleta Road, South Salem. A request an extension of time granting Preliminary/Final Subdivision Plat approval, Negative Declaration under SEQRA dated October 21, 2014. I'm not sure if anyone is here on that matter.

Judson Siebert: Michael [Sirignano] is not going to be here tonight. Will not be here, he's out of the country. Um he I spoke with him before I left on vacation. He indicated that, if the Board has any questions, you know, this could be held over till August. I can report that we've been provided a map that I believe, with some modification will be suitable for execution by the planning board and recording with the with the county clerk. I provided Jan and Joe [Cermele, Town Engineer] with a, kind of a a memo, kind of walking through what's been provided and that's also been shared now with Michael and you know the the applicant's engineer, so I think this may perhaps be the last of the extensions that we've been granting on this.

Jerome Kerner: Okay, well, how does the board feel about proceeding without the applicant's representative. I'm okay with it on the basis of Jud's commentary in granting the extension, but we need to have a motion to that respect.

Jan Johannessen: Jerome I could also just mention that I I've been in touch with their surveyor Stanley Johnson, Mount Kisco, as early as I think yesterday going back and forth on the plat, adding making sure that the wetland boundaries are added to the plat, applicable notes from our last memo or added so. I agree with Jud it's it's right there. So, I think this will be the last last time you have to deal with this issue.

Jerome Kerner: Okay, well, I need to get a consensus from.

Charlene Indelicato: Yes, do you want me to make a motion, Jerome?

Jerome Kerner: We need a motion Jud, or?

Judson Siebert: A motion, yes.

Jerome Kerner: So, a motion please. Yeah, we do yeah

Charlene Indelicato: So, based on our consultants' statements I so move that an extension be granted for calendar number 08- 12PB.

Jerome Kerner: Do we have a second?

Greg La Sorsa: I'll second it.

Jerome Kerner: Greg seconds. Further discussion. Questions for Jud or Jan? I'll poll the board if no further questions so Charlene.

Charlene Indelicato: Aye.

Jerome Kerner: Bruce?

Bruce Thompson: Aye.

Jerome Kerner: Greg.

Greg La Sorsa: Yes.

Jerome Kerner: I say aye and there's one abstention and which is Janet Andersen so the motion passes.

Janet Andersen: Thank you, Jerome.

Jerome Kerner: Back to you Jan.

Janet Andersen: Okay.

[On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board granted one 90-day extension to the Petruccelli Subdivision Resolution granting Preliminary/Final Subdivision Plat Approval dated October 21, 2014; the new expiration date is Monday, October 17, 2022. In favor: Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Abstain: Ms. Andersen. Ms. Andersen returned to the meeting at 8:01 p.m.]

### III. SITE DEVELOPMENT PLAN REVIEW

#### **Cal #06-22PB, Cal #05-22WP, Cal #03-22SW**

(28:58 - 1:12:58)

**Waccabuc Country Club Snack Bar, 0 Perch Bay Road, Waccabuc, NY 10597, Sheet 25, Block 11155, Lot 148 & Sheet 25A, Block 10813, Lot 1 (Waccabuc Country Club Co., owner of record for both lots)** - Application for beachfront improvements including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkways.

[John Assumma and Peter Hall, Waccabuc Country Club; and Dawn McKenzie, RLA; were present.]

Janet Andersen: Okay, the next item on our agenda is a site development plan review, this is calendar number 06-22 PB, calendar number 05- 22WP and calendar number 03- 22SW. The Waccabuc Country Club snack bar on Perch Bay Road in Waccabuc, New York. This is an application for beachfront improvements, including renovation of the boathouse, construction of pavilion, replacement of the snack bar, and installation of accessible parking and walkways. This was before us in March, April and June, we had a site walk on April 9. And in June we confirmed our lead agency status. And so I think our, and we did get a long EAF Part 2, so I think that's our objective to kind of go through that, the major thing that we should talk about tonight. I wanted to see if anyone is on from the, from Waccabuc Country Club and wants to make any comments, before we start down that path.

Dawn McKenzie: Good evening, Chairman. Dawn McKenzie, registered landscape architect from Insight Engineering Surveying and Landscape Architecture here tonight, representing Waccabuc Country Club on this project just. Like Zac [Pearson] was unable to attend tonight, he has a conflict, so you get to deal with me. I'm sure all of you have been through our submission. We've made some adjustments to the site plans based on and provided additional information based on input from the board at last month's meeting

and. If you need me to, I can just hit on a couple of those things. So, since we were last before you in our submission, member Thompson had requested, had commented, about potential for some groundwater, so we added the under drain by the ledge as he requested. We eliminated the walking path down to the lake, that is no longer on the site plan. So that has reduced some impervious surfaces, proposed impervious surfaces, and it was also to reduce some disturbance and save a few trees. And in addition to that, at the request of the Board, there's a small onsite town-regulated wetland and we have relocated the foot path that currently goes through that so on the site plan it now goes around that wetland, and we've provided additional plantings in that area associated with that. Those were some of the biggest changes that we made. Also, on the architectural plans, which didn't make it into the submission, but which will go into our next submission. There was a comment from the CAC about potentially changing the stairs on the far end of the pavilion. And the architect has revised those to do a straight run down to the waterfront. And so that will eliminate a small amount of disturbance and it's a more direct connection, something else that and we'll be submitting plans for that next time we come in, I believe the next submission date is a week from today, so we'll be making another site plan submission.

In addition to that something else that happened after we made our submission, the architect had further correspondence with SHPO [State Historic Preservation Office], that's New York state office of parks, recreation and historic preservation, relative to their comments on you know they had issued a letter of no impact with conditions and based on further coordination and correspondence between between John Doyle's off office and SHPO, they have SHPO has revised their letter, give us a new letter have no impact without conditions, accepting the way the plan has been designed so. So that's something else we'll be submitting to you on Tuesday, for next month's meeting. Let me see and, in addition, the board requested some additional figures, we provided those so anything you want me to put up, we can certainly go through. And that's where we're at and maybe a little bit preemptive but what we're hoping, I know you all want to go through the Part 2 EAF and we're hoping that before the end of this meeting, you'll be ready to schedule a public hearing so that's anyone has any questions or would like me to. Talk about anything else, I will be glad to do so.

Janet Andersen: Okay um. Yeah, and it's good to be, to have a goal I'm not sure we're going to get there, but okay um. So, Jan did you want to go through your memo at this point or.

Jan Johannessen: I think it would be a good segue into your review of the Part 2. I'll also mention that, since the last meeting I was on site with Jim Bates, their environmental consultant, and I confirmed the wetland boundary, got a tour of the facility. So that that is done. You know, procedurally, the applicant's before the board on number of different permits so site plan, stormwater permit, and a wetland permit. Other permits that are applicable include zoning board approval and that's actually for the use. This is an existing non-conforming use, so there's a provision in the code that allows for the expansion of non-conforming uses, subject to certain provisions to be approved by the zoning board, so we had a similar case with the Le Château project that was in a residential district was a non-conforming use, you know not listed under most of the uses allowable in that zone, they went to the ZBA and they got it's not a variance it's actually an approval for that use to allow them to exist and to allow for the expansion. So, the ZBA has that same role here. ACARC I believe they've already been to, the DEP is issuing, or will need to issue a variance under their regulations for installation of impervious surfaces within 100 feet of the of the lake. Health department approval for the septic system, coverage under the DEC SPDES general permit for stormwater, so there's a bunch of different agency approvals here and the applicant's well underway on, I think on all of them, I'm getting copied on some of the submissions and responses. I know they're not before the ZBA I don't think any way, but certainly the DEP, etc there's a lot of progress. But none of those agen..., you, you are conducting a coordinated review under SEQRA, you declared your intent to be lead agency, circulated to the involved and interested agencies and then at a prior meeting declared lead agency, so you are responsible as a board for the SEQRA review of the project, the applicant's submitted a Part 1 long form EAF, That is their document. The Part 2 is your document, that's

what you're going to go through tonight, you're going to identify whether certain items are considered small to or no impact or potentially large that require further evaluation. That's a necessary component of the SEQRA process and kind of a procedure you have to go through. But in a case like this, given the number of agencies and involved, and particularly because the ZBA is involved and the planning board never acts in advance of the ZBA because it's you can't act on a non-conforming use. The ZBA has to make a decision before the planning board does. And they can't make that decision until SEQRA's complete, so what I suggest the board do procedurally is that go through the Part 2, we're suggesting certain items be marked moderate to large impacts requiring a submission of a Part 3, which is just, can be a simple narrative, further explanation, you go through the Part 3 and if everything is determined to be, you know relatively insignificant or there's mediation provided you get yourself into a place where you can issue with a determination of significance and then that determination can be used by the applicant to go to the other agencies and get their approvals. You know the planning board historically has made certain approvals conditions, but the ZBA is not one of them, so I think that the neg dec, if there is one, is the next step for the applicant. That would allow them to go to the ZBA, potentially get that decision, and if they're successful come back to the planning board for the public hearing and the other, the other permits so. Not that you couldn't start a public hearing, you could, but you couldn't close that hearing until, till you're ready to act until the SEQRA was completed so I don't want to say don't schedule public hearing, but you can't schedule it and think that it can be closed in the next meeting because there's certain there's other procedural items that have to take place.

Janet Andersen: Jerome go ahead. You're muted. Jerome, we can't hear you.

Jerome Kerner: I'd like to make a just a brief comment about the the, not to argue about the the the process, which we have to go through in the SEQRA order, but the fact is that this is a an existing condition that is being expanded but also improved is why, as I see it, systems will be improved, whether it's infrastructure or the interior cook, the cooking, air quality, plumbing etc, so I can't think of any downside, that would show up on the SEQRA review, Jan, are there any negatives.

Jan Johannessen: When it when the board goes through the Part 2, there's certain numerical thresholds that they that they exceed. And when you go through the Part 2, if you answer any of those, if you meet or exceed any of those numerical thresholds, or any of the questions that they asked, you have to mark small to moderate or you have to mark moderate to large and then explain it in the Part 3. And the Part 3 can be a paragraph for that particular item, it's, it doesn't have to be an exhaustive process, but I mean those those are the rules, so, for instance disturbance on slopes greater than 15%. Absolutely, there's steep slope disturbances associated with the project. Disturbance within a regulatory wetland buffer: absolutely. So those are standard, those are thresholds that they're exceeding, they're meeting or exceeding, so you have to mark that moderate to large, and you have to explain it in the in the Part 3. There are certain there's items about the the amount of material removed from the site, cuts and fills over 1,000 tons, they exceed I think they exceed that are that that was a question at least, in our memo. So, it doesn't it's not the end of the world that doesn't mean that it's an adverse impact it just means that. It requires some evaluation and, of course, they have all the erosion sediment controls, they have storm water mitigation and providing a wetland mitigation plan. They have things in already built into their their project, into the design that are mitigating some of these impacts, but it's a process and it has to go forward that way.

Janet Andersen: Yeah, I agree Jerome, in that I think that the the end result will be beneficial, but I think we have to go through the steps and I, I also want to really make clear just because we say something is a moderate to large impact may occur and ask for that to be checked that way or agree that that's how it should be checked. It still can have a neg dec after we after we evaluate it, these are just things that that are, we need, we should look into a little bit more procedurally because of the as as Jan just explained, because of the kind of amounts that are tripped when we, as we look at it.

Jan Johannessen: It's only going to make whatever decision you take more solid. That you have justification for your decisions because there's this evaluation that had taken place, so it's it's only going to make your decision, more more bulletproof.

Janet Andersen: And thank you Jan for explaining some of the steps, and I think that's that's why I think, well, we can talk about it later, but my sense is, we have, I'd rather see the the ZBA get this before we or or at least be on the way to reviewing this, before we schedule a public hearing myself. Okay, so with that is. Do you want me to sort of lead, through the various Part 2 items, I mean we can be guided by Jan's memo um.

Jan Johannessen: I could, I have it in front of me if you'd like me to share my screen that I could bring up the Part 2.

Janet Andersen: Great, perfect.

Jan Johannessen: Stand by. Right. All right. So, impact on land is the first item, so here's the threshold question. You've gone through these before. There's I think 16 different categories. There's a threshold question and if you answer that yes, then you have to answer the other questions. If you answer it no, all of these turn blank and you don't have to answer any of the sub questions. So, proposed action may involve construction on on or physical alteration of you know, the surface of the land. Yes, so you have to mark this yes, and then you have to ask, you have to answer each of these sub questions. So, 1a was proposed actually involved construction on land where the depth of water tables less than three feet. I believe down by the stormwater basin, there was some hydrology there, potentially where the cistern is proposed down by the lake's edge was a potential for high ground water. There was seeps identified by certain board members in areas that are going to be mitigated so we felt that there was a potential for encounter of groundwater less than three feet so we're suggesting that this be checked moderate to large impact and that the applicants provide an evaluation of that in the Part 3.

Janet Andersen: So, I would agree with that I I don't know the most efficient way to go through this do we want to discuss each one or just someone speak up if you disagree with a recommend. I think that's what I'll say let's speak up if you disagree with a recommendation that Jan is making on any one point, and if silence means you agree with the the the recommendation he's making, or the assessment he's making.

Jan Johannessen: Okay second one same thing you have construction on slopes greater than 15%.

Janet Andersen: So, you'd make that moderate.

Jan Johannessen: Yeah. And just so you know you know, in the in the instructions up here it identifies that if you hit any of the numerical thresholds that you have to mark that that column moderate to large. Okay. We didn't have let's see c. - wasn't aware of any exposed bedrock or bedrock within five feet. Thought that was fine. A thousand tons of material.

Janet Andersen: Before you go on, I just look at that I did look at soil maps and and they did sort of have bedrock maybe three feet, but I don't really know that it's happening where they're doing construction, so if if everybody else's okay I'm okay, leaving that as small impact. Okay sorry go ahead.

Jan Johannessen: The applicant did provide a cut and fill calculation on their plans, there is an excess of soil, there will be a removal of soil from the site. When you convert the the tons to cubic yardage, they exceed the thousand ton removal so we're recommending that item 1d be marked to moderate to large. I didn't have another one for impact on land. I don't know if you want me to read these out loud, or if anybody just wants to wave their hand if they they have any other any other items. It's, this project is

going to be completed under one phase and I didn't see anything here that was applicable. Impact on geologic features - this threshold question was answered no, so these other sub-questions don't apply. Impact on water. Item three D and three K. 3D is action involves construction within or adjoining a freshwater wetland, yes. And K, proposed action may require the construction of a new expansion of existing wastewater treatment facility. They're installing a new septic system. That would trigger obviously that's probably and it's outside of the buffers so it's going to be viewed as a positive, but they hit that question, though they'll have a simple response for that one in the Part 3. Impact on groundwater. Item four, we didn't have any, any changes here, or any suggested changes. Impact on flooding, item five, there is, a 100-year flood plain does come on to the property, there is construction proposed within the floodplain. It will require a flood development permit from the building inspector, so item 5b would have to get marked moderate to large. Impact on air, no. Plants and animals, there is a loss of flora, but they didn't hit any of these thresholds, so, while this is marked yes, we are okay with all of these being marked small or no impact. Item eight, agricultural, not applicable. Item nine, impact on aesthetics, you know, this is a question that's asking whether the proposed use or development is obviously different from are in sharp contrast to existing. It's currently being used for the same use this as an expansion of that use but it's not, in our opinion significantly different, so we left this alone at being marked, no.

Janet Andersen: So, I had a question on that one and we didn't really talk about that and it might come up in a different might be more appropriate in a different area but. One of the things that actually you pointed out on the lighting plan is that the lights are on from dusk to dawn up in the parking lot, and it seemed to me that that would be something that would be visible, new and it's certainly going to be visible year round by anyone from the lake, and I just wanted to ask, maybe Dawn to make sure, that it doesn't. I don't understand why the lights would need to be on. You know all that all that many hours, it doesn't seem like the the typical use is you know beyond, I know, sometimes there's fire and ice nights or or some kind of event at the club, but certainly not you know the midnight to dawn might not be needed or and and just. It seemed excessive and and it seemed like that lighting on that hill could be kind of detrimental not only to the you know the animals, but to just the aesthetics of being across the lake and seeing lights on over there.

Dawn McKenzie: So, Chairman, Dawn from Insite. I'll just jump in on that. Yeah, I don't believe that that's um that the lights are supposed to be noted, to be on till dawn. Um I will clarify with the applicant what the correct hours are supposed to be for those parking lot lights.

John Assumma: They are only on when needed.

Dawn McKenzie: Thank you John for jumping in.

John Assumma: They're put on that they're put on manually when they're needed and then shut off. They're not on when they're not needed.

Dawn McKenzie: John Assumma, club manager.

Janet Andersen: Yeah, I was sure. It was on the lighting plan that said and, and I said I can't really believe that, if there is a security issue, maybe a motion detector light somewhere or something but yeah so if that's updated and that's not correct, then I withdraw my comment about aesthetic resources, but I really thank you I hope you'll revisit that.

Dawn McKenzie: We will revise that for the next submission.

Janet Andersen: Great. Thank you.

Jan Johannessen: Number 10 is marked yes, because the site is located within the district, and has a building that's listed on the register, but we already have a no impact letter from SHPO, so while this is marked yes, everything else is marked no. Oh, you know what we, I think we had 10a in our memo, we actually I don't think we had that revised letter yet Dawn. So, if you send that to me the letter of no impact without the conditions, I think we could eliminate number 10 entirely.

Dawn McKenzie: Okay yep we have that, we'll share that with you.

Jan Johannessen: Great. I didn't have anything on open space and recreation, it's it's not reducing if anything, it's increasing recreation. Impact on critical environmental areas, it's not within a critical environmental area. Impact on transportation, we don't believe that's subject to change. Impact on energy. You know, there might be some modest increase, but I don't think it rises to the level needing to be reviewed. Impact on noise, odor and light, it didn't hit the threshold here, especially with the conversation we just had.

Janet Andersen: Yeah, I would say that's the other place where I it could have come up but yeah. Thank you so much for for you've made me much more at ease with the current and the current the current selections here.

Jan Johannessen: No impact on human health. Then consistency with the community plans. They appropriately marked this yes, because of the existing non-conforming use the expansion of that use. So, we just wanted them to under 17c the proposed action is inconsistent with the local land use plans or zoning regulations, I know that sounds harsh, but that it is what what it is. I think this has to be marked a moderate to large and they provide some evaluation in the Part 3, and hopefully that evaluation helps them with their submission to the ZBA. Those are the facts. Consistency with community community character, I didn't have any comments on that so those were the items that are listed in our memo under comment number three. And again, you just. The only result of marking, marking these boxes moderate to large is that there's a narrative that's provided in Part 3. That kind of explains away the...

Jerome Kerner: Yeah Jan.

Jan Johannessen: ....impact and identifies potential mitigation or why it's not an impact.

Jerome Kerner: Jan, on that question of moderate to large impact. The fact that I mean I'm brought up before the fact that it has been existing and there is no negative, I mean have been no reports of by neighbors of objectionable activities, etc, etc. wouldn't that sort of somehow mitigate the fact that or keep it in the category or no or small impact, even though it's it's a requires a ZBA consideration.

Jan Johannessen: The threshold question is it compliant with zoning. The answer to that question is no it's not. So, yet the way the the instruction read is that requires some evaluation.

Judson Siebert: Right.

Jan Johannessen: And perhaps what you just mentioned Jerome is the explanation that goes into the Part 3, but it can't be left alone.

Jerome Kerner: No, I know that yeah yeah.

Judson Siebert: Yeah, I think that Jerome those those items that Jan's identified, a lot of those are driven by the the format of the Part 2 itself and all that leads to is a Part 3, that then can explain why, even though marked moderate to large, it may be a you know of no consequence, or you know, have you know

of minimal impact.

Janet Andersen: Yeah so, the fact that is to existing non-conforming you know I think is helps with that and similar to some of the others. I, I think. I think it's important to go through the process as the process is called out for us, because it protects all of us in the future should there be any discussion about whether we took appropriate steps and I just think so, and and yeah and thank you Jan for going through this so quickly and thoroughly. Any other discussion on this. And, and I hope. Again I think many of these things have already been, are known and addressed in some of the plans that that there are, so I'm hoping that we could get the Part 3 submission and and really move to the next step in next month. Jan, did you have any other comments about the remainder of your memo that um that we should go over.

Jan Johannessen: Not really, I would point out that the applicant did provide a mitigation plan still evaluating whether it needs the one-to-one threshold. We did comment that felt that there was some additional locations that could be planted with trees, given the amount of tree loss. The other thing is I don't know if you noticed when the when the board conducted the site walk but I remember even back when when. Several years ago the applicant was before the board with a similar application, there was a big emphasis on trying to reduce some of the erosion, that was occurring on on the existing gravel driveways, some of which are quite steep and when I was out there with with Jim Bates last week, you know I observed that, again, and especially along the the driveway down to the lake it's all gravel, or eventually transitions into the asphalt, but the portion that's gravel is steep and there's a lot of wash outs, there's a water bar that was clearly installed by the applicant that you know was meant to try to send some of the water that's coming off the driveway into the wooded areas but there's there's some erosion occurring, and you know I'm a big proponent of of trying to find mitigative measures that will have the biggest bang for your buck that have a real beneficial impact so You know, I think that trying to develop a plan or incorporating mechanisms to reduce some of the erosion on the existing site, you know, an existing improved surfaces, mainly the driveway, would go a long way. I think should be considered in their overall mitigation plan. So, I'll leave you with that. The other items, you know, we obviously thought that the removal of the asphalt walkway was was significant and definitely a good step in the right direction, I don't know that we had any other real big-ticket items in our in our memo.

Janet Andersen: Dawn, do you know if the fire department has weighed in or has has communicated at all with you.

Dawn McKenzie: So, since we received the original memo from the building inspector, you know there were some fire-related comments on that, we haven't, you know we responded to most of those comments provided some diagrams and we haven't heard anything back yet so we're still waiting to hear back from them.

Jan Johannessen: Dawn, did, do you know if, was that a direct submission from you, to the applicant in or do you feel or was it the building department submitting the plans to the fire department?

Dawn McKenzie: I'm not sure, we didn't make a direct submission. We submitted to the planning board office, all of our submissions have been through the planning board office so.

Jan Johannessen: So, you might want to just touch base with the building inspector, it's possible that those plans never made it to the fire department. He'll usually work with you to coordinate getting the plans over there.

Dawn McKenzie: So, when I when I did actually speak with it was Joe right Joe you.

John Assumma: Joe supposedly coordinated with the fire department initially. Correct.



Dawn McKenzie: Which is what he told me. Right because I did speak with him within the last couple weeks before he moved on and he said he had spoken with them, and he had been waiting for feedback from them as well.

Jan Johannessen: I wouldn't hesitate to reach out to Jeff and see what the status is with that.

Janet Andersen: Okay, any other comments or questions from anyone here. Okay. Thank you, I think. I hope we will get the Part 3 and we'll be able to move forward next month, thank you, and thanks John, thank you for clarifying the lighting, I was, I was concerned, and I appreciate that update.

John Assumma: No problem.

Janet Andersen: Thank you.

Jan Johannessen: Janet, I'm sorry, just so I have the direction I need. We had made I just described the comment about the existing erosion issue is that something that, I'd like to just get the boards input on that whether we should work with the applicant to pursue that or whether you feel that the mitigation that was submitted was appropriate, I don't want to be. Just like the I guess the direction we're headed in a couple of our memos but I don't want to keep it in there if the the board isn't.

Janet Andersen: Personally, I mean. I have noticed some erosion not. I don't remember if it was, exactly where on the driveway it was on the site walk but there was some. I don't didn't know how much of that would be eliminated by the the new drive, but I certainly think, to the extent that it exists, either on the parking lot or on the driveway and can be addressed, I would support that. I'll look for others to give their view.

Dawn McKenzie: That can I weigh in for a second here chairman, if you don't mind before we move forward, so I believe Zac mentioned this at the last meeting, there is an East of Hudson watershed retrofit projects slated to happen on the site. I'm not sure where that's going to go, but it could possibly deal with some of this that's one item, I just wanted to bring up, and you know we'll take a look at it and see if there's something that we can do relatively easily to roll into the project. I'm going to be headed over there. I'll be in Lewisboro this week and I'll take a look at it, while I'm there see if there something simple that we can roll into the plan's next submission will have that in there, if you know that's what you want to do want us to do. And just keep in mind that removing the existing driveway down to the lake and putting in all that buffer planting anything that gets down that may get down to the parking lot helps buffer any of that from getting down to the lake plus all the stormwater management that we're putting in, it catches runoff from all of that already.

Jan Johannessen: And it's it's it's really. What I observed was a lot of the gravel from the driveway is running off and being deposited throughout the woods, you know, especially from that that upper portion like where the gate house is or the gate, where the attendant stands down to the pave that paved section on the driveway. There are a couple of water bars that shoot the water off into the woods and you're getting large gravel and setting the sediment deposits and then you could just see how it's getting transported down through the woods there. So, there's there's probably a solution. That isn't probably too difficult to resolve, but I mean that that's yeah that's the area that came to my mind it's just you know you got gravel deposits all that all along the driveway there.

Janet Andersen: Dawn, it is, I think Zac mentioned that the East of Hudson work would be up towards the top so it's possible that would take some of that away, but I think it would be helpful to understand either that better or or what possibly could be done on that steep driveway portion if it's that top part yeah

because there are a couple of kind of water, or at least one water bar they go over. That maybe could be just a little more.

Jan Johannessen: Even if it was just a sump or something that they looked at the gravel and then you were able to dig that out and just wasn't allowed to continue down the slope. I think you did something similar Dawn on the town park for the cell tower where there's a couple of water bars and that went into sumps just something to control the gravel washouts.

Dawn McKenzie: Okay. All right well we'll take a look at that and we'll roll something into the plan or will talk to you about it, the next meeting so okay.

Janet Andersen: Great. Thank you any anything else from anyone here. Okay we'll see you next month.

Dawn McKenzie: So, I just one more thing you know Jan had brought up about tree replacement, and you know we were trying to finalize I guess finalized is not always the right word, but you know, cross some things off of our list as far as meeting the requirements of the Board and knowing what you want from us, and that issue, you know that keeps moving forward and and I'm not sure if you are satisfied with the what we've done or if you're going to be looking for more and so, you know if there's further discussion that's needed on that point.

Janet Andersen: Okay um and I see John you have your hand up.

John Wolff: Yeah, if you read the CAC memo, we had a couple of comments about the first of all I don't think it's a good time to be putting beech trees in with the disease.

Dawn McKenzie: Understood, we will change the beech trees and take them off the plan and put something else in place at that, thank you, that was a good comment I should have picked that one up myself.

John Wolff: And I think we're aligned with Jan and saying try to get more equivalent to what's being removed and in certain areas, you know, due to the runoff and those kind of comments, but you have our memo.

Janet Andersen: Yeah, so I think one of the things that Jan pointed out was just a if you sum up the calipers of what's leaving and what's being replaced it's as I remember something like I haven't got right here, but 500 leaving and and 150 or something coming in wait. Sorry, removing 616 caliper inches and installing 135 caliber inches total. I mean I know you're not going to put in trees like the ones you're taking out but, you know that seems, I don't I don't know I'll defer but I, it would be great if you could get to maybe, I don't know what it's something closer to 200 so it would be a third of what's leaving. I I'm, It just seems really low at 100 compared or 135 compared to 616 it but again I don't know how feasible, it is to put in some of these, put in either larger trees or more of the smaller trees.

Jan Johannessen: They are they are putting in, the trees that they're putting in a decent size think it's three- or three-and-a-half-inch caliber. Right so they're not small trees. And they do have, I think, greater than one to one you know tree for tree it's just a total size and that's you know that's not something that we have it in our memo just so you could see a comparison, but it's not code driven. But I looked at areas, you know between the lowest parking lot to the snack bar where there's a lot of grading and there's some plant material going in there, but generally lacking trees, and then over by the storm water basin there's plant material going there, but that you know these are going to open up certain areas of the site. And maybe you want, maybe there's a room for a handful of trees here or there you know. I don't, the site is very much wooded so I don't think it's very feasible to replace you know caliber for caliper but we we just

identified a couple of areas that we thought would be pretty opened up. Given construction and didn't, weren't receiving a lot of tree replacement in those particular areas, so I don't have any number in my head, I was just thinking that. A couple of those spots could use a couple more trees, just to close that canopy up little bit. A little bit more consistent with the aesthetic of what's there today just thinking of people will viewing that slope from the lake or across the lake or from a boat you're going to have a couple of areas that are really quite open now and the trees would help massage that a little bit.

Janet Andersen: Yeah, I think I would tend to defer and and move maybe to Jan's commit maybe more trees, but they don't have to be big and more smaller trees, even if they. Because, eventually, they will grow, so that would be good.

Dawn McKenzie: Okay, so we'll look at those areas to provide some more trees in that and in something else that I want to point out that we had laid out our letters, you know. I know you're very focused on the trees that are being removed, but you know, we have done a lot of the plantings that we've done recreate more of the layering of the forest so, but we will gladly look at those locations and provide some more trees.

Janet Andersen: Yeah, thank you for that I know that right now it's. There aren't that many layers in the because of just deer predation so it's it's tough but, and so I think that will be an improvement, but trees are pretty critical. okay great. Any other questions? By anyone? Okay, thank you very much.

Dawn McKenzie: Lovely. Thank you all very much okay.

**Cal #01-15PB, Cal# 25-15WP, Cal #06-15SW**

(1:13:07 - 1:41:01)

**Copia Garden Center, 475 Smith Ridge Road, South Salem, NY 10590 Sheet 53, Block 9834, Lots 35, 36 & 48 (Organic Choice, Inc., owner of record) - Application for Sketch Plan Review/Site Development Plan for unfinished improvements to the existing Copia Garden Center and expansion of the existing use onto adjacent tax parcel.**

[Jennifer and Peter Cipriano, owners; and David Coffin, AIA, were present.]

Janet Andersen: So, the next item on our agenda is calendar number 01- 15 PB, calendar number 25-15WP, calendar number 06-15SW. This is Copia Garden Center at 475 Smith Ridge Road, South Salem, New York, an application for a sketch plan review, site development plan for unfinished improvements to the existing Copia Garden Center, and expansion of the existing use onto the adjacent tax parcel. So, this is an application that we reviewed in 2015, 2016, and 2017. We did go, I think we started looking at this again in 2021, we went on a site walk in April of 2021. And and so now we're back again. So, who's on for the applicant. David, okay you're muted, there you go.

David Coffin: All right, thank you. Chairman um. Yes, I just want to say that you know the. The primary reason for the resubmission, as you mentioned, we've gone through a process of a number of different submissions and approvals and this latest one really addresses the memorandum that was provided by by Jan. It, you know, also addresses your, the last planning board meeting, and also an onsite meeting that we had in March of 2022. And at that time, Jan was there, the Town Supervisor was present, I was present, along with the owner and applicant Peter and Jennifer Cipriano. And as previously noted the prior approvals have expired and the applicant is applying for re approval, in accordance with the memorandums. Your, the planning board's re approval will allow the applicant to renew the expired building permit and complete all the open work improvements, and I think. I think this is probably one of the most important aspects of this and that is that, with the approval from the planning board, this will allow the applicant to complete all of these outstanding work items. Unfortunately, the building

department, ah, the building permit expired as well, and the building department will not renew the the building permit without the approval from the planning board. So, essentially, there were, the latest memorandum that we have from from Jan. There are three items, there are three comments that he had. One consisted of the, along East Avenue about it would be okay to have temporary landscaping displayed, along with the permanent landscaping, and he didn't have any issues with that so long as the permanent landscaping was installed. And in talking with the applicant, most of it is installed and whatever hasn't been will certainly be installed. The other the other item is that there is no of the, the applicant wants to remove the internal fencing and gates within the property and and again Jan did not see that as any issue. The third item consists of lot number 33. Where we were actually requesting, or the applicant is requesting the removal of that from the approval of the site plan. And and deal with lot 33 as a separate issue. And and not have it a part of this site plan approval. I think we think, we think that it's it's important to allow the applicant to proceed with completing the project, essentially, and the only way to do this is to go through this this process, pull out lot 33, and deal with whatever issues or concerns, separately, that you might have so with that. I don't know whether Peter or Jennifer, you would like to make any comments about lot 33 at this point you're you're.

Peter Cipriano: Not at this point.

David Coffin: Okay it's.

Jennifer Cipriano: David covered everything.

David Coffin: Okay.

Janet Andersen: Charlene, you're muted.

Charlene Indelicato: There we go. I'm a little confused and I wasn't here from the very beginning of this process and so I had a few questions for Jud. From what I'm hearing and, from what I gathered in previous meetings that I have attended, is there is no site plan, it's, there's no approved site plan.

Judson Siebert: No, there is no, there was a site plan that was approved and that site plan has lapsed so as of now, there is no site plan.

Charlene Indelicato: And I've been involved in a lot of extensions of site plans, but this one does not have an extension?

Judson Siebert: It's lapsed, yes.

Charlene Indelicato: Okay, I just wanted to clarify that and Lot 33 was in the original site plan?

Judson Siebert: Lot 33 was, lot 33 at that point in time was designated as a piece of leased property that was going to be utilized for vegetable cultivation, private vegetable cultivation, and because of the tie between the what I'll call kind of the main Copia parcel and the fact that the question of the Vista Market parcel was being leased, it was pulled into the site plan.

Charlene Indelicato: So now we're being asked to look at a few different programs to reinstate the whole thing, the site plan, but take out a portion of the site plan. And not address it, having no idea what's going to be done with it, and I've heard agricultural this and that, that to my humble opinion, really does have an impact on the whole site plan.

Judson Siebert: Yeah well, yeah, let me, let me kind of add this with regard to the lot 33 discussion, so

there is currently pending in the town justice court, a zoning prosecution or violation against the owner of Vista Market with regard to the use of lot 33 for storage. That violation has been returnable before the town justice court. I'm not handling that, I spoke with the Town prosecutor with regard to the status of that violation. I am informed that Vista Market, the owner of that property and the lessee of Vista Market property, have made a commitment that all of the outdoor storage components, or whatever is occurring that would violate the zoning code are going to be remedied, I believe that that's coming back before the Town justice court for an appearance in August, early August, and I guess, my question is, if in fact that's the case, and this outdoor storage use is going to cease on lot 33, where's it going to go, and is that possibly going to create some sort of reorientation of what we're seeing on what I'll call the Copia parcel. So I, you know I'm not I'm not linking the two necessarily legally, but from a practical practical standpoint, I think it makes sense to see how that plays out, because there's a zoning violation on 33 that was part and parcel of our original approval. And if, in fact, that is going to occur, and I hope it will, how's that going to influence what is before this board with regard to the now pending site plan application.

Charlene Indelicato: I agree with that Jud. I can't I don't understand how we can just sort of segment it out and hope for the future that we'd look at it again in some other iteration. It seems to me holistically we can't do that, it's still being used as whatever at this point in time, so I I would not be able to opine on that at all, or look at it for a determination.

Janet Andersen: Jerome.

Jerome Kerner: Well, Jud, clarify if you will. Lot 33 is not owned by this, the applicant, it's owned by Vista Market, is that correct?

Judson Siebert: Correct.

Jerome Kerner: So, there was some kind of internal agreement between Vista Market and Copia for them to utilize that property, which we thought was going to be used for agricultural, personal residential agricultural use, but then there was storage of product, retail product on that property.

Judson Siebert: When the site plan that lapsed was approved, that was what was represented as the use of lot 33, was going to be a basically an area of plan cultivation not storage.

Jerome Kerner: Right. So, if if the violation is cured in court, in civil court, and that would be a clean slate, so to speak, and. So, I see Peter's hand is up, perhaps you could clarify the intention.

Judson Siebert: I think the overarching objective from the get go on this has been, let's get let's get let's get a clean site plan and let's get this, let's put everybody on on, you know, on a playing field where we know what a site plan encompasses, what it doesn't, let's get it developed and get the building permits get the COs and let's let this let's put this in the rearview mirror.

Jerome Kerner: Exactly, so what existed before and what violation is, it will be cured elsewhere and what happens in the future is what we're looking for on this revised plan.

Janet Andersen: Right and just in case anyone is watching this on YouTube and doesn't understand quite what we're talking about, The Vista Market is currently zoned differently than the parcel that Copia is, the main portion of Copia is on, and so that the only zoning approved for use that is close is this private vegetable garden, not as not as a storage component. So, with that I saw Peter you did have your hand up, do you have a comment.

Peter Cipriano: Yes, in agriculture, when I presented this to the board, I said it was going to be vegetables for private use and for my market so. In agriculture, putting a plant in the ground is crop cultivation, whether it's a tomato plant or a pine tree. So that's been my argument, the whole way through and I'm going to continue with that argument. Um. The owner of Vista Market has finally agreed to go in front of the Zoning Board of Appeals, that's what he's going to do as the only access to the former dumping ground, wood storage, carpet dumping, was located where I place my plants and grow them on, and it is storage, but it's also a comp, component of growing a horticultural crop, which is agriculture. So, not only did we apply for the ag district, we also finally got the permission from the owner of Vista Market to go for the change of the zone, as there is no access to that lot other than through commercial property, unless a homeowner allows for an easement through their property off Robins Wood, otherwise that property is landlocked and I don't see how, when it was zoned, it was not zoned commercially. That's all, so that would be in front of zoning board when they meet, and that's not up to me to decide.

Charlene Indelicato: Oh. May I? Peter, what is allowed in an agricultural district?

Peter Cipriano: Everything that Gossett, Valley View, and Hardscrabble does.

Jennifer Cipriano: Grow growing of nursery crops.

Peter Cipriano: Just actually just review, you can just see what they what they do.

Charlene Indelicato: Can you raise animals, can you?

Peter Cipriano: You can you can do anything a farm does you can, you can raise animals, you can..

Charlene Indelicato: That that that's what I was asking.

Peter Cipriano: You can grow crops; you could do whatever a farm does.

Charlene Indelicato: I never felt that that's where I was getting at.

Peter Cipriano: You can run tractor, you can run tractors through it, when I when I purchased a property with that use.

Charlene Indelicato: And I think. My point is is that really does have an impact on how the site plan will look in toto.

Peter Cipriano: No, actually when we ran the tractors there, we ran it as soon as we leased it and um we planted the crops there right away. It's no different. It actually would be better as just plant storage, but if it if it becomes part of the ag district, I can do more than plant storage.

Charlene Indelicato: Exactly.

Peter Cipriano: But. Either way. Some people like farms.

Charlene Indelicato: I live across the street from a farm, I like it too.

Janet Andersen: And I think the question I would have is that now, so you don't, I don't think you yet have, if I understand correctly, I don't think you yet have agricultural, an agricultural district for the Vista Market parcel, is that right?

Peter Cipriano: Not not yet, but in New York. All all land that was used formerly for agricultural can continue continue to be used as agricultural.

Janet Andersen: But even. Okay, so if it were approved, does that overcome the zoning regulations?

Judson Siebert: I'm going to, ultimately all questions with regard to the propriety of the use of that land do not rest with this board, they rest with the building inspector, they rest with the town prosecutor, they interpret the zoning ordinance. Okay, whatever we do. As I said, the objective here is to try to clean up for an existing site plan that has lapsed. Let's get this clean and let's move on. There is a zoning violation that has been identified by the building inspector. He is charged with interpreting zoning code, he is charged with determining what an ag district designation would or would not mean. He has made that determination, that there is a zoning violation that extends onto lot 33. If there is an application for the ZBA and that cures it, then it cures it. But. All of that may spill into what this board ultimately has to decide with regard to the the the construct and the orientation of the site plan that's before it. So, I would say, let's see how the, let's see what happens with the disposition of this a lot 33 issue. It's outside of our purview. It's with it's with the town court, it's with the building inspector, it's but the town prosecutor, it's now with the ZBA. The ZBA may cure this issue or take care of it for all of us, but you know until that time. You know, we can move towards doing what we can to advance the site plan application, but I, I think. I think there could be, as I said at the outset, some practical implications as to what the outcome of of, you know, whatever is decided, with regard to lot 33 means for the Copia parcel.

Janet Andersen: Jerome, I see your hand up, go ahead.

Jerome Kerner: Yeah, so words are important and Peter you, you made a comment about some people like agriculture, implying that maybe we don't because, and that's not the case, we'd like whatever is approved by the zoning ordinance. So, you know it's it's really just a matter of going through the process and cleaning this up, we have no objection at least I don't, to that parcel being used for agriculture or planting, as you said.

Janet Andersen: Well, I think. I think it would be interesting and helpful to get this resolved I'm I'm actually glad to see you back because I I feel like we should, as I think I'm maybe I'm repeating Jud. You know it's been, it's been hanging out for a while, so I think we should try to move forward, but I, but I think if it's as early as August that we'll hear something back from the ZBA, that I think we should probably defer this. I don't know if that would then say till September that we we ask to see you again, or what's the what's the appropriate timeframe here?

Peter Cipriano: I don't know. I'm well, well here's the question. Would you be allowed to kind of at least finish off some of the site plan that was approved and the extension that was missed by us and for unforgivably by the board not. We missed that I understand that, but we were approved, and if we can do some of it, it would be helpful, especially along East Street. And that would allow us to kind of get working on it, but if we were told to stop so you stopped, and we are not doing anything, but if you guys have points being mentioned by neighbors we can probably address those by completing some parts of site plan.

Janet Andersen: So that would take approving the site plan and I sort of echo, I think what I've heard from Charlene in that until I know what the resolution is going to be with, with the materials that are there, whether there's still going to be an access way you know to that to that lot, I feel uncomfortable, I don't feel like we can finalize the site plan at least I'm not comfortable saying I'd finalize the site plan without having some resolution to that issue.

David Coffin: Madame Chairman I'd like to interject. What if you know again I'm just kind of throwing

this out. What if the site plan had been submitted, without lot 33 right from the get go? Would you have approved the site plan? And, and I guess what I'm looking at right now, and why I'm wondering, why I'm throwing this out is because, by not taking lot 33 out. You know of the site plan approval and dealing with it totally separately. As a separate issue, without doing that it doesn't permit the applicant to proceed with finalizing all of the work that had been previously approved. Under not only the previously approved site plan, but also the building permit. So right now everything is at a standstill. So, I think what I understand your concern and and I realize that, you know, you certainly would be reluctant to do that, but I guess in my mind why, if I reframe it that if lot 33 were never incorporated from your in you know from the get go, would you have approved that site plan?

Janet Andersen: So that's a little hard for me to answer, since I wasn't on the board at that time, and I don't know what all was part of the discussion. Jerome, go ahead.

Jerome Kerner: Well, let me rephrase the question. I throw it back to you. If lot 33 were not in incorporated in the original approvals, would the functions that are now on, or that were intended or partially there were on 33 would they be, you, would they be eliminated altogether, or would they be someplace else on the site? In other words, we're dealing with a hypothetical here. But we will we deal with are, are essentially accurately drawn and presented plans that satisfy the function that you're intending it to function as. So, the question is not what if they weren't on the plan, the question is, if you were going to grow anything there, or use would would that alter the to the site plan?

Peter Cipriano: We do, we do grow things there.

Jerome Kerner: I know, but so if that were.

Peter Cipriano: Here's the thing. I'm okay. Listen, I've already, you've already, without having a CO, and I know it's my fault, and the Board was against doing anything. In the, in kind of, because I've missed the extension, which is which happened and I'm sorry about it but it's already too late for me to do a refinance. The whole idea of trying to get back to the board and get a CO quickly was because of it was a good time to refinance to save, save us three or \$400,000. If that boat is, that ship has sailed. Um so we have time, we have time for the appeals, we have time for whatever it takes to get this moving forward and we're okay. I'm okay with. Listen construction's costing a lot of money, if you gave me and approval with a deadline within three months, it would not happen. And that's that's the reality of our situation right now. So we're we're okay with seeing how how our ag comes back to us, how the owner of Vista Market, the 51% owner has, will go from the Zoning Board, which will hopefully resolve some of these issues that last year he wouldn't do it, this year is he wants to do it because last year, they were going to sell the complete share of it, but he came held on to it because of these violations so he can't really sell his final portion, so he's going to work at it with with us and a and a local lawyer that's he's already hired, so.

Janet Andersen: Okay, and so Jud I think you said this was going to the ZBA in August?

Judson Siebert: I'm, and I'm unaware of ZBA application. What I was told, was, with an adjourn date before the local justice court is in August so. But if one of but certainly and. A typical response to this type of violation is an application to the ZBA I'm just unaware of one's been made.

Peter Cipriano: I think they're they're trying to resolve currently they have, I guess there's there are like a residence on site that's been a residence since like 1820 but it's not allowed so somehow in there when they were approved that doesn't make any sense to me because it was already residence, but they had been asked to clean that up a little bit. Okay, but that's what they're going in front of the the judges for right now.



Janet Andersen: So I'm still trying to figure out, I guess, when. Does it make any sense if there is some adjudication results but no ZBA approval for the applicant to come back? or when when? I feel sort of we have the building inspector letter from last year, we have you know, some changes. When. Do we say come back next month and tell us what's changed in September I'm a little.

Judson Siebert: I suggest why don't we come back next month and see where we are. If it's a short discussion, it's a short discussion if it's a longer discussion, it's a longer discussion. in other words let's see where the justice court process is at that point in time let's see if there is a ZBA application. I think this is an application that's worthy of just kind of keeping on the agenda month to month and, as we go through.

Janet Andersen: So is that okay with you, Peter.

Peter Cipriano: Yes, perfect.

Janet Andersen: So, because I think it's been said before, you know we are interested in seeing this move to completion. Okay so great, I guess, we will look to see you in August and hear what what new news we have, thank you.

Peter Cipriano: Thank you.

Janet Andersen: Okay, thank you.

David Coffin: Okay, good night.

Janet Andersen: Good night.

**Cal #11-22PB**

(1:41:03 - 1:59:22)

**Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526, Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) – Application for the installation of EV charging stations.**

[Nancy Tuccillo, Goldens Bridge Village Center; Chris Carmody, PlugIn Stations; Nick Peretta and John Markowitz, New York Power Authority.]

Janet Andersen: The next item on our agenda is calendar number 11-22PB, this is the Goldens Bridge Village Center, off of Route 22 in Goldens Bridge, NY, an application for the installation of EV charging stations. And I'm not sure who is on for the applicant.

Chris Carmody: Hi, I'm Chris Carmody. I'm with the design and build company delivering this project. We're PlugIn Stations out of Valatie, New York. Also, I'm here with some members of the New York Power Authority who are the owner of the site, we have Nick Peretta and John Markowitz from the power authority and then Nancy Tuccillo is here as a representative of the owner of the property.

Janet Andersen: Great.

Chris Carmody: Um yeah so I have a short presentation to just kind of give some context here if that works for you guys, you know feel free to speed me along as we go through here. One second. Is that up there?

Janet Andersen: Yes.

Chris Carmody: Okay great. So, PlugIn Stations is working with the New York Power Authority on the Evolve New York Program. Which is a program designed to build out a network of high-power charging stations throughout the state, primarily targeting targeting corridor thruway corridor areas and high-density residential areas. And you know the idea is that we're sort of building out the backbone of the faster charging infrastructure, so you know, while we all see a lot of chargers going in across the state, there's fewer of these sites they're designed to deliver 100 miles of driving range in about five or 10 minutes depending on your vehicle. So, so it's kind of the next generation of charging in which we're trying to approach gas station [ ], to make it a more reasonable choice for people to buy an electric field vehicle for their next car. So just to give a sense of you know what these sites look like we've built about a dozen of these sites over the past year, with the power authority, and this is a some pictures from some of them. You guys see them, the cursor point.

Janet Andersen: Yes.

Chris Carmody: Okay, so you know, so the components of the system that we're looking to install. You know, we work with the local utility. To put in a pad mount transformer here, and that converts their, their line wires down to a usable voltage for us, then it runs through this, I'm sorry. This grey piece of hardware and that's just like that has the metering equipment in it and the distribution equipment for the chargers and then it runs into these cabinets. And since the car battery is operated on DC that's essentially just a big power converter that takes the AC power from the grid, converts it to DC power that's usable by the batteries and then that runs out to these dispenser units, and these have the credit card reader and the user interface so the driver doesn't have to interact with the heavy power equipment. There's sort of you know, entering the credit card or payment information, and then plugging their vehicle in at the parking spaces. So those are the components of the system we're trying to put together. And this last image down in the bottom here is is an elevation view of what the site would look like at the Goldens Bridge Center there, so essentially we're putting in, are hoping to put in six of these chargers you can see, five of them facing us, and then, this one is designed for ADA use, you'll see from the plan view how that how that looks. And here's our service equipment, that grey cabinet, behind that are the power conversion cabinets and then over here is the utility transformer. So, we've been working with this parcel for some time now. We originally designed this site to be located in this part of the parking garage or parking the shopping plaza across from the pizza place. But it turned out that conflicts with their plans for redevelopment of the parcel you know they're planning on expanding the parking lot and adding some residential units here. So, then, we moved our site location over here and as I'm sure you're familiar with this parcel from past reviews probably more so than we are, but there's two entrances there's one over here, on the one end where the I guess there's going to be some residential units here and then there's a second entrance right next to our site, so the idea for us is drivers will come in here, and this is right across from the big parking lot for the the Goldens Bridge train stop, so the drivers will come in here loop around in this section and it's kind of its own little enclave here and then we'll have the chargers and I'll zoom in there, a little bit more. So, here's the site so again here's that Goldens Bridge Road that's the Goldens Bridge parking lot so you come in the entrance here loop around this little embankment and then all the charging equipment will be tucked in here. So, these pictures again just sort of representative of the site, you know that's that green transformer which you would see right as you come into the location here, and then you know these are what the stations will look like in the spaces there. So, we've played with this layout a lot, we think that this is the most conducive to you know not interfering too much with the future redevelopment of the parcel. And then you know there's some constraints as to where this utility transformer can be placed, so this is kind of how we've worked it out over the course of several design iterations.

So, we did have a conversation with Jan, you know I think it's been six weeks or so since then, and he shared the concern that you know there, there might be some issues with you know these people coming into this newly redeveloped plaza, they don't want to be looking at this power equipment, right here along

the road. So, our suggestion there, was, and we've spoken with utility about this, and you know what we can do is coming in here, just plant some screening right along the road, so that the transformer's masked and you know these photos are some examples of some other sites where we've done that. Now, obviously, these are some arborvitae in the earlier stages of their life and down here we didn't actually build this one, but they use some juniper to hide the power equipment there. And then Jan's other comments was that just the way we had the ADA striping here on this is something that the power authority developed to be most conducive to ADA vehicle usage, but he pointed out that it doesn't conform to the ADA requirements that we're following for Goldens Bridge, so you know, he asked that we consolidate those two access aisles into a single access aisle and that's easily enough accommodated. So that's essentially you know where we're at with the program just go back to the other slide. I guess at that point, I just open it up for questions on the project. I know that's kind of a lot at once. Hopefully it's. I think you're on mute.

Janet Andersen: Thank you, maybe I'll start off with a couple of questions about. So, the screening here is just going to be in that one green slot would people out on the roadway see the back of. I don't know the other equipment that's that big white stuff. I mean would it be possible put something sort of perpendicular to the green, but on the.

Chris Carmody: In this way. Yeah, you know what let me um.

Janet Andersen: Looks like there's some might be some trees there I don't.

Chris Carmody: Yeah, there are a lot of trees there, and let me. So. Here's. Let me just zoom in on these pictures a bit. So, if you look at this site, this is a good picture of it, so here, you know our chargers will be at the nose of these spots here so there's.

Janet Andersen: We're not seeing that we're seeing.

Chris Carmody: No, okay sorry. Am I back there. Okay, so these are the spots, the bulk of the charges will be at the nose of these parking spaces so you'll see between the roadway and those spaces there's some pretty dense foliage here.

Janet Andersen: Okay.

Chris Carmody: So, we're thinking that that covers the view from that direction for the most part. I mean we'd certainly be open to extending that, that line.

Janet Andersen: Yeah. It's interesting I saw some a utility cabinet recently that had like ferns and stuff all painted on it, and I was like oh that's neat but yeah I get what you're doing so that it's helpful to have that, have some screening there can make it blend in a little bit. The other question I have is it and it looks like in all the photos, the the charging units are actually right up against the curb and I don't know if that's if somebody and there's a picture with snow and stuff is does that get in the way or it just seemed to me that putting that, so tell me why that is.

Chris Carmody: So, the reason we put it put that way is we're trying to follow as closely as possible the ADA recommendations for gas pumps and for just facility facilities in general, and that requires us to keep the front of the unit within eight inches of the driveable surface. So, if somebody is in a in a wheelchair, just so that they can reach the operable parts of the station, and you know we we really put a lot of emphasis on getting the front of the stations close as possible to the driveable surface so that's the reasoning there, I mean, I think you have a valid concern also but you know that's certain.

Janet Andersen: If there's guidelines that exists that you're that you're sticking with, that helps to explain it I just I was sort of baffled okay um. Yeah so, I don't know if anybody else has any comments or questions. I think it makes sense that our next step would be to refer this to the building inspector, and perhaps to ACARC.

Chris Carmody: I'm sorry, I'm not familiar with the acronym.

Janet Andersen: Okay, ACARC is feel basically they look at the architectural design something. Ciorsdan will help me out but it's basically they look yeah.

Chris Carmody: Architectural Review.

Janet Andersen: They look at the compliance with community character and appearance and so forth. And I think they would be very interested in seeing the, the screening that you've proposed. So. So actually I should ask Jan first, if you want to. go through any comments that you have on this, and maybe if you stop if there are questions about this, maybe stop sharing and we'll see each other.

Chris Carmody: Sure, I just, I just wanted to, before I start, one thing I just thought of. The screening there, it stops at this point because that's the property line, so I don't know, I think that State DOT property there, so you know, maybe our solution is to bend this around just so that there's more coverage there.

Janet Andersen: Oh nice.

Chris Carmody: Too much detail, I don't know. I'll stop sharing now.

Janet Andersen: No, but I think I think that would be. You know, doing what you can screen, that would be would be helpful.

Chris Carmody: Okay.

Janet Andersen: Okay, Jan.

Jan Johannessen: Yeah, we Chris I don't know if you saw, but we have a memo from July 15th. One of our comments was submit photograph representative photographs that you just shared tonight, very helpful. Did you get the memo? I just want to make sure you have it.

Chris Carmody: I did not get the memo, but maybe we have it somewhere in our team.

Jan Johannessen: Okay, I won't go through all all of it, the landscaping was I thought you know that if there was any comments they would probably deal with landscaping, so I think your solution is is helpful. There are some requirements in the code regarding the dimensions of parking spaces. And they are nine feet wide by 18. I think you had nine by 17, we can go down to 16 feet wide when there's a an overhang when the vehicle can overhang a curb, but the bollards would prevent you from doing that. So just make sure that, from a code perspective, you can have an eight-foot 18-foot length space and then still have the 25 feet drive aisle behind it, because those are the code requirements.

Chris Carmody: Okay, it looks to me like like its doable.

Jan Johannessen: Yeah, it looked doable. So, other than that it was just, you know illustrate the limits of disturbance and. You know if you need any I don't know if any connections to the utility pole in the state

right away require any sort of DOT permits. We just want to be made aware of any other permits that you think you need from any other agencies, including the DOT. There's zoning setbacks, I'm not sure if the utility equipment needs to comply with the zoning setbacks that's the reason why you're going to the building inspector for zoning review, but you should have the setback lines on, you know the front side, probably just the front yard set zoning set back on the drawing.

Chris Carmody: Is that note in the memo?

Jan Johannessen: Yeah. This is all in the memo.

Chris Carmody: All right.

Jan Johannessen: And then you know your plan set, that was really comprehensive, it had a lot of electrical diagrams and stuff that we could probably peel out of the site plan set so I just listed drawings that we're probably just a bit too technical for the site plan. So, we can condense our site plan package. Get the memo, read it over if you have any comments, please let me know, but the presentation was.

Janet Andersen: Yes, could before I forget, could you send a present a copy of the presentation to Ciorsdan and we'll make sure it becomes part of the package, the, especially because it addressed some of the comments that Jan made about showing us photos and and screening. Okay, so. Sorry does somebody want to say something? What I look for is consensus to send this to the building inspector and ACARC. So if I could get thumbs up from the planning board members okay Greg yep okay so. Ciorsdan will make sure that this a copy of this gets to the building inspector and ACARC, and I, and I think it would be helpful in that you know, to have the photos there as well as they see that. I think. Other than that, what do we need to do a public hearing on this? Can we waive this, what happens next?

Jan Johannessen: It's a site plan approval and the public hearing is waivable by the board, it's discretionary. It's a type two action under SEQRA, so you don't have any SEQRA implications. I think, once you get letters back from the building inspector and ACARC, you'd probably be in a position to act on it.

Janet Andersen: So is it too early to ask you to start to draft a resolution.

Jan Johannessen: It's fine by me. We can have it for the next meeting.

Janet Andersen: And then, if we hear back from the building inspector and ACARC by that time or whenever we hear back, we presumably be ready to take position. Okay, I just want anybody on the board who has a problem with that, please speak up. Okay. So that's our plan so. Thank you, I guess that would be. We can we can try to see you next month, and if we've heard back from ACARC by then maybe we can take some action.

Chris Carmody: Fantastic.

Jan Johannessen: And just for the the applicants clarification and Ciorsdan, correct me if I'm wrong, they have to make an application to ACARC Right?

Ciorsdan Conran: They do. And our next meeting is August 10<sup>th</sup>.

Janet Andersen: So, get the application in quickly.

Chris Carmody: Yeah, we're on it. I think we've drafted some of those already.

Janet Andersen: Okay, good.

Chris Carmody: All right, thanks for having us. I appreciate it.

Janet Andersen: Thank you.

Chris Carmody: Take care.

[The board reached consensus to refer this matter to the Building Inspector and ACARC.]

#### IV. WETLAND PERMIT REVIEW

##### **Cal #15-22WP, Cal #07-22SW**

(1:59:29 – 2:17:40)

**Rini/Langel Residence, 15 Benedict Road, South Salem, NY 10590, Sheet 33, Block 11155, Lot 10 (James Rini and Elizabeth Langel, owners of record) - Application for a garage/cabana, pool and patio.**

[Elizabeth Langel and James Rini, owners; Alan Pilch, PE; and Ken Andersen, AIA; were present.]

Janet Andersen: Okay, so as I wait for everyone to move around the screen, okay next item on our agenda is a wetland permit review. This is calendar number 15- 22WP, calendar number 07- 22SW. This is the Rini/Langel residence at 15 Benedict Road in South Salem, New York. It's an application for garage, cabana, pool, and patio. This was before us in May of 22, we did have a site walk in June, and we have a new submission, and they are back with us this month, so. Who is on, oh, Alan.

Alan Pilch: I think I'll start.

Janet Andersen: Take it away.

Alan Pilch: So good evening, madam chair and members of the board, perhaps I can share the screen just to sort of go over the site plan changes.

Janet Andersen: Sure.

Alan Pilch: Hopefully that's visible.

Janet Andersen: Yes.

Alan Pilch: Good. Um so since we last appeared before the Planning Board. the applicants James Rini and Liz Langel decided to modify the site plan. Now I'll just sort of run through what the changes are. The garage cabana didn't change really at all. What has changed, was that previously, I'll just show this too, there was a proposed addition on the I'll call it covered portion the front and a patio expansion to the two-car garage, but the what we've done is actually eliminated from the plan, the addition to the front facade of the house so that that addition has been removed. Instead, the mudroom addition is actually in the northeast corner of the house on, essentially over an existing flagstone patio which you may remember from your site walk. And also the walkways and patio space around pool has been modified. The pool has not changed. It's still 47' by 60' it's still the same dimensions and some of the formal garden plantings are

proposed between the house and the pool, and there are also other planter beds in the west side, the front of the house and also on the east side of the house adjacent to the new mudroom addition. The other thing that we have done as per the comment of the Planning Board was to decrease the backup space outside of the garage and cabana. Providing a maximum of 28 feet nine inches and actually it's less than that, you know at the northern end and southern end and also provided additional space between the parking entry court and the and the I'll say front facade of the house. Um and I will also point out that I realized that I made a mathematical error and I apologize for that, in the first submission. But, so these things happen sometimes. I'll just say in the original submission that you reviewed back in April. There was actually a kind of a new, the increase was actually 904 square feet not 10,000 which I calculated, I apologize for that, but under this revised plan I calculated an overall increase of 1,170 square feet of [static] new impervious surfaces within the wetland buffer and I'll point out that the wetland buffer covers virtually the entire property, because there's wetlands, you know the state wetland is actually located to the north, there's the Waccabuc River on the west, there's another wetland area to the south, and when you combine them all essentially it takes I'll say the essentially the entire property. But anyway, so those are the changes to the plans, since we we appeared last. We saw the comments that were prepared by Kellard Sessions, and these are all things that we will be addressing. I would like to say also that we have reached out to Sarah Pawliczak of DEC and her comment with regard to the need for a DEC wetland permit and her comment is if we are planting and not using mechanized equipment and doing planting by hand it will not be necessary to get a State wetland permit. I just wanted to point that out. And with that, Ken, I don't know if you have any other additional comments you would like at this time to provide, or I'll turn it over to the board.

Ken Andersen: Thank you Alan. No, I don't have any additional comments I just will say that um the Langel, Liz and James thought hard and long about the addition, and they do prefer to have this addition in the back. [static] It it would suit their family needs more it provides not only a mudroom but also, a small breakfast area, there were, this area is where the kitchen is so I'm with their two young boys and growing family that they needed that bigger area back there. Unfortunately, this does require a variance so we do have to go back to ZBA we were hoping to get our denial letter shortly so we can revisit them. But we would, we did want to show you all these improvements right, you know prior to us going there.

Janet Andersen: Okay, thank you um well I do. And so I know well, maybe I'll ask Jan to go through his memo first, before I add to it so Jan.

Jan Johannessen: Sure. A lot of our items have been addressed, and since last meeting I was able to walk the property with Alan. I was happy to hear about the miscalculation, because it changed our view of the project a bit. The DEC, Alan, is the there's no other improvements in the DEC buffer other than planting. Stormwater?

Alan Pilch: Correct. All the storm water is completely outside the hundred-foot DEC wetland buffer. The DEC wetland buffer is located here and that's where the level spreader is and the proposed stormwater management facility is located here. We're actually. We actually have scheduled through the testing this coming Thursday morning to do the deep hole test, we've arranged for Guy [Mezzancello] from your office to come out and witness. Okay that's the plan and we'll do the percolation test shortly thereafter.

Jan Johannessen: The, the only real comment that we have of any significance is comment number three, the wetland mitigation plan right now is calculated based on the net increase in impervious cover, which is just over 1,000 square feet, the Code requires that mitigation be provided for all disturbances within the wetland buffer, that is, the ratio of one to one, so I did speak to Alan about that in the field, he is aware of it, and I would assume that the mitigation will be revised, we also talked about seeing if there is any way to incorporate some mitigation on. I don't know the direction but between the driveway and the river. Some of the runoff coming from from the existing driveway maybe there's some way to defuse that or

treat that run it through a vegetative buffer. There's some disturbance and erosion in certain areas, we observed, so you know, I think that the the river is the real gem here, and if there was any ability to provide some mitigation there as you revise your mitigation plan, it, I think it would go a long way, but other than that our comments are close to being addressed.

Alan Pilch: I would like to point out that area to the west of the driveway, between the driveway and the river is actually quite wooded so there's just a very narrow strip where something might be possible we, Jan and I actually looked at it pretty carefully.

Janet Andersen: Okay Jerome. Go ahead. You're muted.

Jerome Kerner: It seems to me that since the plan first came to so there have been some significant improvements and I'm wondering if we might consider letting this go as an administrative review at this point.

Janet Andersen: And we, we heard its got to go to the ZBA, so I think that that might be one of the things to consider. The the other thing I did want to mention and I guess it's echoing a little bit of what Jan said about the slope to the river, if if the fence is coming down I'm a little concerned that, I don't know kids kicking balls down, things going down there I, I would like to see.

Ken Andersen: The fence is not coming down.

Janet Andersen: Okay, I misunderstood that. Thank you.

Alan Pilch: Yeah, yeah there's going to be a new fence. But, essentially around the perimeter of the backyard. So, there's a new fence. Along here.

Ken Andersen: There's a new pool fence, but the existing stockade fence will remain. Alan, we can't see your screen, you're not sharing.

Alan Pilch: Oh, yeah sorry.

Janet Andersen: But the. The one of the thing that, so now that you have that. It looks like you've made a turnout by, so that someone can back out of the garage and back sort of into the, I guess it's to the north there that little thing. Yeah, I still. I'm I remain somewhat concerned about the. building up on top of that steep slope down to the river, although now that I know the fence is there, that stockade fence along the sort of the top of the ridge there, the top of the ridge, I feel a little better about that.

Jerome Kerner: The note does say to be removed, so I'm not sure.

Alan Pilch: It's really from this point forward. I see.

Jerome Kerner: I see okay.

Janet Andersen: I'm sorry where's it staying, where is it staying, could you show again?

Jerome Kerner: Yeah, behind the garage.

Alan Pilch: This point forward, but here from the pool fence to the south, it's actually going to remain.

Jerome Kerner: Right right, I see that.



Janet Andersen: Ah, okay. That's where I had not understood the.....

Alan Pilch: That's ok.

Janet Andersen: ...break there.

Ken Andersen: I think what we um had Janet had spoke about on site. I don't know who brought it up on the visit, but maybe we can create a swale which we would, which would direct the water, more to the mitigation area and not to the steep slope, so that it would have more time to be absorbed into the landscaping. And not just go right to the steep part of the slope. That was our intention, from the beginning.

Janet Andersen: Okay yeah and so that. I'm so relieved about the fence, I was just thinking you know anything from you know snow to, as I said, kids playing ball on the thing and the balls running down the river. I I I'm glad you're leaving that fence there. Okay um so that was one of my my big concerns and still you know, making sure it's stabilized after, after you put the garage, sorry the parking area beyond the garage there. Okay, now that this is up, I'm sorry you put this up to show us something else, the where where do you think future mitigation is going to go, or additional mitigation.

Alan Pilch: Again, I think, when this gets expanded, it will end up coming through here kind of like this is kind of like their garden area, but it will be throughout here, there's a whole line of evergreen trees that have been planted for screening purposes of the neighbor, but I think they'll be some plantings here, and I think in this area too where it's kind of sparse. There'll be some additional plantings as well, I think that's where it's going to go. Jan and I did look at this area here. You see what was available it's kind of woodsy along this whole edge here, there may be some opportunity, just to a little bit of cleanup off the edge of the driveway, the edge of the driveway right here, there's a little bit of [static] debris that been placed there, we'll probably try to clean that up a little bit. But it's just such a narrow strip here that it's pretty challenging to do that.

Janet Andersen: Yeah, I remember looking at that, on the site walk, but so again I if you go up towards the top of the plan again. I still I sort of echo Jan's of the river's a little bit further away there, but I think anything that can be done to kind of, maybe address any runoff that would be going in that direction would be helpful.

Alan Pilch: Sure

Janet Andersen: Maybe it's a little further further away than than I had imagined right behind the other side of the fence at the garage.

Alan Pilch: Right. Yeah, it actually pulls quite a bit away once you get where the garage is. So, it is a fair distance is probably close to 100 feet.

Ken Andersen: You should also know that the neighbor has a bridge across that river close to where we're putting the new fence and he has like a variety of sheds there, so I mean. We can mitigate but once it gets to his property which is closer to the wetlands, there's a tremendous amount of impact.

Janet Andersen: Yeah. I don't I don't know that we've ever had a site plan, certainly not while I've been on the board, for that property and. Okay, so. Jan, we have a suggestion from Jerome that this be moved administrative, and I did say you know I know we have to go to the ZBA. Typically, we look for to have ZBA approval before we we talk about going administrative. Is, what's your view. You're muted.

Jan Johannessen: I'm okay with it. We would obviously, we wouldn't issue the wetland permit until the ZBA, they got through the ZBA so just like you wouldn't issue a planning board resolution we wouldn't issue the wetland permit, so I think so long as the approval isn't happening before the ZBA I think you're okay. I'm not sure what Jud thinks about that, but that's my story.

Judson Siebert: No, yeah, you'd be bound in terms of what you issue. I could go admin and you'd wait for the ZBA.

Janet Andersen: And if there's obviously any any big news from the ZBA that upsets dramatically the plans you could come back. All right so with that I guess if. Well, I guess, the first thing would be to get a motion to move this application to administrative. Okay Jerome you didn't up I see Jerome's hand but you're muted.

Jerome Kerner: The host keeps muting me. I would move that pending the approval of the ZBA, we commit this to go administrative.

Janet Andersen: Okay, and Bruce you have your hand up.

Bruce Thompson: I'll second.

Janet Andersen: Okay, so it's and I think we sending it administrative but recognizing that they won't but nothing will be issued until we hear from the ZBA, correct.

Jan Johannessen: Right right.

Janet Andersen: Okay, any further discussion on this. And I guess I should ask John did you, did the CAC have any comments that we haven't addressed here.

John Wolff: No, I think we're pleased with the revisions to play, and we think they've done a nice job so we had nothing to add.

Janet Andersen: Great thanks. Okay so with that I guess I'll poll the board Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: And I'll also say aye, so we have made the decision to move this administratively, that motion passes, so thank you. Good luck with your plans.

Ken Andersen: Thank you very much.

James Rini: Thank you very much, thanks to all of you for your time.

Janet Andersen: Take care.

[On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board determined that construction of the garage/cabana, pool and patio at the Rini/Langel Residence, 15 Benedict Road, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

**Cal #24-22WP**

(2:17:41 – 2:42:06)

**Fountain Residence, 15 Pettit Road, South Salem, NY 10590, Sheet 37, Block 10809, Lot 1 (Barbara S. Fountain Revocable Trust, owner of record) - Application for the restoration of a pond.**

[Douglas Fountain, owner; and Stephen Coleman, Stephen W. Coleman Environmental Consulting, LLC; were present.]

Janet Andersen: The next item on our agenda is calendar number 24-22WP. This is the Fountain residence at 15 Pettit Road, South Salem, New York, and this is the application for the restoration of a pond. And I don't know who is on for the applicant.

Stephen Coleman: All right. Steve Coleman, I'm the wetland scientist for the project and Doug Fountain, who is the son of the owner at 15 Pettit Road is also on site to discuss this. Doug has done the plans for the project. His mother has lived on the property like 60 years, 70 years Doug? Can can you hear? I know Doug can hear but she's an elderly woman that still lives on the site and they've had an existing farm pond if I could share the screen and I could show you a recent photo of what the pond currently looks like.

Janet Andersen: Sure.

Stephen Coleman: That the. Just a second here. Have to share screen first. Okay. Are you able to see the screen?

Jerome Kerner: Yes, yeah.

Stephen Coleman: This is the current existing condition of the pond, and yeah on the on the far right of the screen. Oop. On the far right of the screen is Pettit Road over here and is, there's a stone wall that runs along and culvert and the stream enters and then this is the pond on the Fountain property. And then to the far left in this screen is a stone spillway where it discharges and leaves the property and the wetland itself is a locally, the pond is a locally regulated wetland and you know the town standards and then this does flow into a state-designated wetland which is L16, which is a large class class two wetland within the town of Lewisboro, and it was, the wetland boundary was defined for the pond and the State boundary and we had state personnel visit the site back in the fall or the spring of this year, and they confirmed the wetland boundary. The state boundary starts at the spillway to the pond and then the pond itself is, according to the State would be considered just locally regulated. What I wanted to illustrate in the photograph is the, if you can see the cursor, it's it's the extensive amount of vegetation that's grown. And the pond itself has historically averaged about four to five feet, and the Fountains are interested in trying to restore that back to that original condition with the with the accumulated sediment and the vegetation that's come in, they average depth is as approximately one foot, one to two feet throughout the pond area. So, what they'd like to do is dredge the pond and to keep costs down their, the desire is to keep the dredge

spoils on site. And we looked at potential areas and the majority of the property is encumbered with a wetland buffer area and because of its prior farm uses, a lot of the buffer area has since become overgrown and it's pretty much 100% invasive plants, primarily multiflora roses most dominant and even we've got a whole host of the normal you know invasive plants that have come in. Yeah but the areas that we'd like to put the material would be within the buffer area and we'd like to do is, come in first and remove the invasive species that have become established, and then do the pond dredging and create a stockpile area where we could then spread the material once it dewater within the buffer area, and then we plan to you know so it's combination of being able to keep some material on site to keep the costs down. And then also to restore the functional value of the wetland buffer, and with the use of the dredged material, and then removal of the invasive species. So, in terms of sequence, would you want me to go through the plans are details or.

Jerome Kerner: Oh, I have a question.

Stephen Coleman. Sure, Jerome.

Jerome Kerner: It appears that large portions of the border of the pond are mowed, grass area that's moved, is that the intention to keep that, or would be some more of a naturalized area?

Stephen Coleman: ... the edge, of the homeowners always like the lawn edge, you know coming down to the pond. Yeah, but I, but I have spoken to them about the potential of creating more of a vegetative filter in a buffer along the edge of the pond, and they are amenable to it it's just a question of you know, they would like to still have some access, you know, to the pond area. You know, so I think as part of our mitigation strategy, we could certainly look at that as well. One of the challenges is Pettit Road, as you probably know, is a dirt road. You know that comes in, and you know there's a lot of sediment that gets transported from both sides of Pettit Road, and we looked at as part of the project to also look at how we can create a sediment forebay and a trap before the water discharges from the road into the pond. And so Doug Fountain has had conversations with the highway department supervisor and they're willing to work with the Fountains to you know, to look at ways that they could minimize some of the transported sediment that comes into the pond. And so we have a rough detail on the plan of creating kind of a you know, a deep hole with, it's lined with stone and. And then you know that allow the material to come in first and then you know the lower flow events that sediment would have a chance to filter out before it, you know enters into the pond you know so that's another strategy we're looking at is to try to you know get more long-term sustainability for the pond.

Janet Andersen: So could you show that part of the plan, perhaps?. Um, I guess, I have, I have a question in, that's a little bit different, but we've we've seen so much effort at trying to make connectivity between waterways and culverts, and you know so forth, I I'm wondering whether. Well, first of all I'm not sure how high your spillway is and whether that's something that is a barrier to any critters, fish, anything that might want to swim between the pond and the stream, and then going towards the forebay, you know would that basically do block people, block people, block animals or you know, is there already a hanging culvert that wouldn't allow upstream I'm just I'm curious about what that what it looks like there and whether whether there are barriers to any any fish or wildlife moving through this waterway.

Douglas Fountain: And, good evening I don't know if you can hear me, Douglas Fountain here. Steve, would it make sense to pull up the photographs that attached to the application. To walk through that can answer I think some of these questions.

Stephen Coleman: Yeah, maybe let me, just having trouble getting the screen to cooperate here.

Douglas Fountain: And while he's doing that, the spillway, I'd say is approximately 36 inches above the

stream itself, the spillway is probably at 80, 100 years old I'm not sure. And I've forgot your other question as far as the culvert over at Pettitt Road. You know a lot of this sentiment is Pettit Road is what we're dealing with and it's one of the things I spoke with Peter [Ripperger] about about from the highway department and that's why he was sort of eager to work with us because it's been an ongoing issue for 60 years.

Janet Andersen: Yeah. Okay, well, the three-foot spillway probably is blocking any any any movement between the areas. I'm just Stephen sometimes you have to stop sharing and then re share to get things to show. I don't know...

Stephen Coleman: Yeah.

Janet Andersen: ...That might be.

Stephen Coleman: Yeah, let me try this.

Janet Andersen: But so so maybe this is not a critical element.

Jan Johannessen: Is it three feet three feet on the downhill side of the dam though right.

Douglas Fountain: Correct yes correct.

Stephen Coleman: Yeah, I think you're trying to retrofit that to allow easier fish passage would be very difficult, without compromising the whole you know spillway.

Douglas Fountain: Absolutely.

Stephen Coleman: I apologize, I'm having trouble getting.

Janet Andersen: All right, well, perhaps I mean, so given there is a three-foot spillway yeah I mean unless unless there's already somehow you know it's a it's a tiered rocky thing which it didn't look like, it looked like it was a strict fall over, I don't, then, then the rest of the conversation getting, getting the culvert, or making sure there's access to the culvert or through the forebay is not as important, because things aren't going to be able to come upstream anyway.

Stephen Coleman: We did receive comments from Jan and which I just saw for the first time tonight, but I think the desire is to try to keep it under 5,000 square feet of total disturbance. Just because the Fountains are concerned about budget, and you know they can scale back the size of the project so that it stays under that to avoid the need for a SPDES permit.

Jan Johannessen: Okay, yeah if you could just provide a limits of disturbance line on the plan and an area calculation and like to see a couple hundred square feet below the threshold, just so there's some wiggle room there during construction but yeah absolutely if you're under the threshold that takes those comments away.

Janet Andersen: Jan, maybe you want to go through your memo while.

Jan Johannessen: Yeah yeah I thought I've discussed the project with Mr. Fountain over the last couple years. I think the protocol and the sequence of things is, you know, is appropriate, it seems well conceived. Really, just want to see how, you know, they're talking about 800 cubic yards of removals, just understanding a little bit more about how the material will be de-watered on site and confined to the

displacement area, looking at erosion controls. I think the forebay is a great idea, you know. It's a good idea to incorporate those type of practices to prevent future impacts. We think they have a good a good plan, we had a couple questions or clarifications there, there will need to be a mitigation plan. I wasn't aware of the extent of invasive species removal that was located within the spoil displacement area, so I think that can count, so long as that area that, that the spoils will be kind of graded out becomes something other than lawn, you know that, so we'd like to kind of see up a plan of for how that area will be treated long term, then obviously if you can incorporate as, as was suggested by Jerome a couple areas along the pond edge that can provide a little bit of buffer. I think I think the plan is, is a good one.

Douglas Fountain: That's not a problem at all.

Stephen Coleman: And you had raised access on the pond and the contractor that we've spoken with it feels that they probably could access the pond. Strictly from the driveway side, so that it would not require working within the town right of away.

Jan Johannessen: Okay.

Stephen Coleman: yeah, so that would you know just avoid that you have a complication there.

Jan Johannessen: Yes, that long long long reach excavator I'm sure could go one side.

Janet Andersen: Is that what you're planning is a because sometimes they have those like section things that go up into a big dewatering bag, or are you just putting using an excavator what, do you have a sense of the process.

Stephen Coleman: You know approach, show it up again, I have it on my screen, but we're going to do a temporary diversion. You know, to divert the water, you know around the pond and work area and, as Jan suggested, we will show a temporary you know containment area prior to discharge into the stream itself, you know so we revised plan on that component, but. Once the once they dewater as much as they can they're going to use the traditional mechanical method of just using the long reach, you know backhoe, and so the material will be collected and because of the close proximity between you know the dredged area, you know the pond and then the disposal area, they'll either take it back and forth right away, or they will put it in a small you know dump truck and then you know transport it there that the distance, it's very close together, so it will be easier for them to you know move the material from the pond directly into the temp, you know the storage area for the dewatering.

Jan Johannessen: You may consider, depending on the typography there for not using you know bags. Sometimes you see that you know they'll create almost like a basin.

Stephen Coleman: Yeah what when I when I forgot to explain is that that is our plan, is what we've done on other pond dredging projects is, we will excavate out a deep hole and we use the parent soil that's there and create a berm around it, the hole, and then the dredged material will be deposited into the hole, allowed to dewater and once that dewatered and we'll backfill with the parent soil, you know and then that mitigation plan will take place, you know, on top of that.

Jan Johannessen: Perfect.

Stephen Coleman: And so that that was a kind of strategy we thought would work best in this case because of the you know desire to keep the costs down and to you know work with what you know the existing conditions are yeah.

Jan Johannessen: And it works.

Douglas Fountain: Steve, would you like me to try and share the screen again, we have a lot of photos and there's been a lot discussion here I.

Stephen Coleman: Yeah I'm.

Douglas Fountain: It says I'm not able to share while others are participating. So, if you want to, because we have put a package together.

Janet Andersen: So, I think Steve you have to stop sharing.

Stephen Coleman: Okay, now you should be.

Douglas Fountain: Let me see if I can I give this a whack here. Ah. I'm new to the Zoom thing.

Jerome Kerner: I'm not sure we have to see much more I, you know, I think. you've got this under control and Jan is satisfied with the methodology. So I, you know.

Stephen Coleman: ...just want to impact your questions, as we're in the process of applying to the state as well, I mean they did come out and confirm the boundary and yeah, but we will be applying for their, to get a permit from them as well.

Jan Johannessen: Yup.

Douglas Fountain: And I don't know if anyone can see this.

Janet Andersen: Yes, we can.

Douglas Fountain: So just a Steve do you want me to take the sort of a quick walk around here.

Stephen Coleman: Yeah, just real quickly because they feel pretty comfortable.

Douglas Fountain: Fair enough. So again, this is the area of distribution that we're talking about this is behind the upper barn. Again area that was all flagged out.

Janet Andersen: So, I assume that's pretty level right now that area where you're going to put this.

Stephen Coleman: Yeah, very much.

Douglas Fountain: Yes, it is very, it is very level yep. This is looking over, that's Pettit Road off in the distance, the barn to the right, the pond to the left. This would be the proposed staging area sort of what we call the temporary staging area, we'd want to return it to this. But again, there's the pond. Walking again around the staging area or the distribution area that's what it looks like now, this was originally a pony paddock back in the 60s and 70s and early 80s.

Stephen Coleman: And it's entirely invasive plants now.

Douglas Fountain: Yeah. Again, just another shot of the paddock. These these photographs are keyed into the site survey plan, one of the sheets so you can kind of see these with some numbers. There are some dead trees that we planted in the 80s, didn't last too long, some crab apples. A again, this is the pony

paddock, what's left of the pony paddock and the area for distribution. Again, we'll limit it to 5,000. Now turning around this is the streams that are left, and you can sort of see the spillway off in the distance and I'm walking back towards the pond. Obviously, no work here's the actual spillway itself.

Janet Andersen: So that's that's three feet high, that water.

Douglas Fountain: Correct. Yeah, it might be yeah it's it's easily 36 inches. And again, this is looking back at the staging area, all the distribution was to the left and the spillway's to the right. And this is that same picture that we are looking at earlier but before the water was higher, but you can see the depth of the pond is, is a foot at the most, right now, today I'm on a hot day, it's maybe six inches. My mother refers to it as the well, we see herons walking across it. Ah, here's to the right of the pond, and this is the area of the forebay that we've worked with Peter to sort of capture any sediment at this point. And again Pettit Road in the distance.

Janet Andersen: And that's where the the stream comes under the road there.

Douglas Fountain: Yes, that's correct yes okay. And this is the other side of the pond. Pettit Road and to Steve's point earlier, we would so stipulate that we wouldn't have any equipment on this side, we would do it all from the other side of the pond with a long reach excavator. And we threw these This is just some early 70s photos of of our of my childhood ponies. Sugar and Spice. And that's all I got for you.

Janet Andersen: What's the next steps here Jan. I lost Jan.

Jan Johannessen: It it's up to the board, I mean it's something that I'd be comfortable handling administratively, if you wanted to see it go that way obviously there's a DEC permit and some comments that need to be addressed but as I stated previously, it's a good plan we have a couple comments, but it's appropriate.

Janet Andersen: So, what do you think. Ready anyone want to make a motion to make it administrative? Bruce, you're muted, but so I'll take it as.

Bruce Thompson: I'll so move that the applicant can work going forward with Jan on, to complete the process.

Janet Andersen: Okay and did I see Charlene?

Charlene Indelicato: Second.

Janet Andersen: Okay, any further discussion on this? I think I think we did have some good comments here that that talked about potential mitigation. And I appreciate the the, I was surprised to hear that Jan has been talking about this for several years, so I think that that gives me confidence that this has been looked at carefully. So, I guess I'd look for if, unless there's any other discussion hearing none, I'll poll the board Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg

Greg La Sorsa: Yes.

Janet Andersen: Bruce.



Bruce Thompson. Aye.

Janet Andersen: Charlene. You're muted, but say it louder.

Charlene Indelicato: Aye.

Janet Andersen: Thank you, and I also say aye, so we are, we have agreed to the motion to make this an administrative application. Thank you much and good luck.

Stephen Coleman: We really appreciate your time.

Douglas Fountain: Stay cool yeah cheers.

[On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board determined that the pond restoration at the Fountain Residence, 15 Pettit Road, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

**Cal #26-22WP**

(2:42:07 - 2:49:17)

**Grossman Septic, 36 East Ridge Road, Waccabuc, NY 10597, Sheet 25, Block 10803, Lot 94 (Amy and Michael Grossman, owners of record) - Application for a force main within the wetland buffer.**

[Alan Pilch, PE.; was present on behalf of the owners.]

Janet Andersen: Okay, the next item on our agenda is calendar number 26 - 22 WP. And this is the Grossman residence at 36 East Ridge Road, Waccabuc, New York, and this is an application for septic force main within the wetland buffer. And who is? Okay Alan.

Alan Pilch: So good evening this is Alan Pilch. So, this application as I, as was pointed out, is for a forced main to be constructed within the wetland buffer. Perhaps I ought to just share the screen so you can see the plan. Right so I think it might help. So, on this property, which is on the west side East Ridge Road I'm just trying to get that out of here oh that's better. And a little bigger than that, so this property was in the east side of East Ridge Road is kind of an I-shaped property, there's a water course on the, near the eastern boundary of this property. And there's a pond which is kind of like shared between this property and neighbor to the east, the 150-foot buffer, it's actually right here. You know off of the. off of the water course. And so what is being proposed on this property is let me see if I can just show a picture of it I think it might help, is actually the removal of this existing shed building and the construction of a cabana at this location, maybe on this sort of, so this is the shed building and some. little patio is on the side of it, the septic tank happens to be just off of this patio which is in the rear of the building, happens to be over here so what's being proposed actually is a force main from an ejector pump to be located around here on the side.

Janet Andersen: Side we're still seeing the plan.

Alan Pilch: Yeah okay. And I'll show you this. Let me zoom in a little closer, so you can see it. Okay, thank you. I apologize. This is the, this is the outline of the existing shed building to be removed. And this is the new cabana to be constructed essentially over the same footprint. There's a small patio here, the existing pool. There's the wetland buffer line here and what's being proposed as an E/One grinder pump model to take wastewater flows from the new cabana building and convey that into the existing septic

tank off of the rear of the patio, stone patio, and at the rear of the building, and so this force main would be, it's approximately 180 square feet of disturbance of existing lawn within the wetland buffer in order to convey the flows into the septic tank, so that's what's being proposed. As you can see that all the all this work, like the cabana work to you know take down the shed and construct the cabana is outside of the wetland buffer, including the grinder pump, it's outside and it was basically there's a runoff curiously, by the way, there's some runoff from the driveway that is conveyed in existing pipes to this stone lined channel or we're just going to take the run off and put it down the stone line channel and we calculated that the increase in impervious surfaces around 54 square feet so it's really very de minimis. And ah.

Janet Andersen: You sure it's not 54,000 square feet?

Alan Pilch: Quite positive in this case. I was a little more careful on this one. I apologize.

Janet Andersen: No no, I just had to pull your chain.

Alan Pilch: No, no, no you're welcome to pull my leg on that.

Jerome Kerner: How about about 540.

Alan Pilch: No no. But I was actually pretty careful. 54. So, it actually was a change of 54 square feet, when you really look at it from this to that it's pretty minimal. Of the impervious surfaces are some impervious surfaces here there's a little chicken coop there, there's a little planter there. But the amount of changes is really quite minimal it's basically the cabana building and a little bit of patio and that's it pool equipment that's really all there is.

Jerome Kerner: Yeah, this really should be administrative also, I believe, right I'd make a motion that we let this go administrative. It seems pretty straightforward.

Greg La Sorsa: I'd second that.

Janet Andersen: Okay, so I do have a question and I don't know if that makes any difference. If this is, is the cabana going to be seasonal or year round and does that make any difference at all to how you treat I mean do you put would you winterized with RV stuff? I mean what what happens, and do you know the plans, whether it's seasonal or not.

Alan Pilch: I think, for the use of the pool, going to be very seasonal. You know, so I think that I would say it's a much more seasonal use of the cabana building and it's strictly a cabana. So that's how I believe it's going to be used, based on my understanding understanding, I'm speaking with with Darren [Mercer, architect]. I don't know if I have Michael Grossman or Amy online too they might be able to answer that but I really just see it as being a very seasonal. structure. I don't think we make that much difference in its overall use.

Janet Andersen: Yeah, that's I I didn't know if there's anything with a pump system that has or force main that has any any changes, based on seasonality, and I figured I would ask, but if you don't think it makes much difference. I guess the other thing is I should ask Jan, I'm assuming this would be all right with you, if we decided to go administrative I see he's nodding his head. Um any any other discussion on this. Okay um, so I'll poll the board, whoa, everybody moved. Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Charlene. And so we didn't hear her, but she did say aye and.

Charlene Indelicato: Aye, I'm sorry.

Janet Andersen: And I'll also say aye so the, this we have agreed to move this, to the motion to move this to administrative. Thank you Jan and good luck with this Alan.

Alan Pilch: Thank you very much, I really appreciate it.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that installation of the force septic main at the Grossman Residence, 36 East Ridge Road, Waccabuc, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

## V. CORRESPONDENCE

### **Cal #08-17PB**

(2:49:18 - 2:52:58)

**Oakridge Commons, 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record)** – Request for a partial release of the car wash construction performance bond.

[No one was present for this matter.]

Janet Andersen: Okay, so the next item on our agenda is calendar number 08- 17PB. This is Oakridge Commons, 450 Oakridge Commons, in South Salem New York, and this is request for a partial release of the carwash construction performance bond, and we have, who is on for this.

Jan Johannessen: I don't see anybody.

Janet Andersen: I don't see anybody either. I mean, we do have a letter but I'm. I think I would prefer to see.

Jan Johannessen: I think it is, this one has to go to the town board to then come back to you.

Judson Siebert: It does. Yeah.

Jan Johannessen: I don't know if that makes a difference, or not, but its...

Janet Andersen: So, we could make a motion to send a letter to the town board asking them to agree to the, I guess they have to....

Judson Siebert: It's an authorization for you to conduct a public hearing and render a recommendation as

to reduction.

Jan Johannessen: Just for an update on the carwash. The project's complete, we did our final inspection a couple of weeks ago. As built surveys have all been in. Everything is in in good shape. So, the work's been completed, it's been completed per the plan, and the and now the applicant's requesting that the performance bond be released and because of the mechanisms in the code that has go to the town board and back and back to you so this decision will just be referring it to the town board.

Judson Siebert: And, and you also have to conduct the public hearing so.

Janet Andersen: We could set a public hearing for it.

Judson Siebert: Set a public hearing date for it, refer it to the town board. The referral would need to be made by motion, the public hearing you could just be agree by consensus, whether to approve or not.

Janet Andersen: Okay, so I guess the first item, would be to ask for motion to send the letter to the town board asking them to authorize us to take the appropriate next actions.

Charlene Indelicato. So moved.

Janet Andersen: Thank you, Charlene. Anyone want to second this. Okay, looks like Jerome beat you Bruce to that. Any further discussion. I'll poll the board. Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce. You're muted.

Bruce: Aye.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: And, I also say aye, so we will take the next steps on this and send the motion to the town board and. I guess, we could set a public hearing for August. I know, sometimes we avoid August, for because of of you know holidays, but this is the release of a performance of a bond I don't see that that's that important, so if we all agree, we could set a public hearing for August? Thumbs up yep yep okay. So that will be done so I know Ciorsdan you're gonna have to get in touch and let them know that they have actions to take and they. okay great. Anything else on this matter.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board authorized the Chair to sign a memo to the Town Board regarding the partial bond release of the Smith Ridge Housing, LLC, Security Agreement for construction of the carwash at 380 Smith Ridge Road, South Salem. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

[The board reached consensus to schedule a public hearing on this matter for August 16, 2022.]

**Cal #08-02PB**

(2:52:59 – 2:54:49)

**JVG Estates (formerly Popoli Subdivision/ 1437 Route 35) Bluestone Lane, South Salem, NY 10590, Sheet 40, Block 10552, (formerly known as Lots 3, 4 & 5) current owners of record:**

- **Monica & Vito Di Matteo, Sheet 40, Block 10552, Lot 3 (was Lot 3 on plat) 5 Bluestone Lane**
- **Adam & Julieann Giardina, Sheet 40, Block 10552, Lot 41 (was Lot 4 on plat) 6 Bluestone Lane**
- **Chazz & Maria Gianna Palminteri, Sheet 40, Block 10552, Lot 42 (was Lot 5 on plat) 4 Bluestone Lane - Request for wetland bond reduction.**

[Vito Di Matteo, owner, was present.]

Janet Andersen: And the next item on the agenda is calendar number 08-02PB, this is JVG Estates on Bluestone Lane, South Salem, New York, and this is the request for a wetland bond reduction, and I think Vito are you and for us?

Vito DiMatteo: That's me. Hi, how are you? Hi, good evening everyone. Yeah, I'm requesting a reduction on the wetland mitigation planting bond of 20% of the original bond amount. It's been 85% or better survival rate, it's been two years now.

Janet Andersen: So, I think what we have to do, we can do this by resolution, so I think our next step, if we agree, is to ask Jan to prepare a resolution for the next meeting that would reduce the the bond in in accordance with I think our our resolution and the plans here.

Jerome Kerner: Jan, have you been on the site?

Jan Johannessen: Well, I look I have, I haven't been to inspect the plantings this year I was there last year. Before the the first release of the bond and everything was in good shape so before now and the next meeting I'll get out there again with Vito and I'll confirm the 85% survival rate and give you a report at the next meeting.

Janet Andersen: So, again by consensus, can we ask Jan to prepare resolution for the next meeting? Okay, I see thumbs all around so okay we've got that. Thank you and we'll see you next month from now.

Vito DiMatteo: Okay, great Thank you have a good evening.

Janet Andersen: Sorry, keep you so late for this, but.

Vito DiMatteo: That's all right. Bye bye.

Janet Andersen: All right. Bye.

[The board reached consensus to have the consultants prepare a draft resolution.]

**VI. MINUTES OF June 21, 2022.**

(2:54:50 - 2:55:27)

Janet Andersen: So, the the next item on our agenda is approval of the minutes of June 21, 2022. And they were updated, but I think we've all gotten a copy of the updated minutes. So go ahead Jerome

Jerome Kerner: So, I move we approve the minutes as submitted.

Greg La Sorsa: I'll second.

Janet Andersen: Thank you Greg. Any other discussion okay I'll poll the board. Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce: Aye.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: And I'll also say aye, so the minutes are approved.....

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board approved the minutes of June 21, 2022 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

## **VII. NEXT MEETING DATE: August 16, 2022.**

(2:55:28 – 2:56:01)

Janet Andersen: .....And our next meeting date is August 16, 2022. I do anticipate since the emergency declaration is through August 13<sup>th</sup>, that we will be meeting in person, but if the emergency declaration is extended again, then, then we'll meet again by Zoom.

Charlene Indelicato: You have to ask the governor to sync in with our meetings.

Janet Andersen: I know. Especially given 13<sup>th</sup>, it doesn't give a heck of a lot of time that's I think a Sunday right, so anyway.

## **VIII. ADJOURN MEETING.**

(2:56:02 – 2:56:31)

Janet Andersen: With that I'd look for motion to adjourn the meeting.

Bruce: I move.

Janet Andersen: Bruce moved.

Charlene Indelicato: Second.

Janet Andersen: Okay, Charlene any further discussion? Okay Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce: Aye.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: I, and I also say aye, and you know just add so we adjourned at 10:28. Thank you all.

Jan Johannessen: Goodnight.

[On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the meeting was adjourned at 10:28 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Respectfully Submitted,

A handwritten signature in black ink that reads "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran  
Planning Board Administrator

JUL 20 2022

Town Clerk  
Town of Lewisboro

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**AMENDMENT TO RESOLUTION**

**WILDER BALTER PARTNERS, INC.  
NYS ROUTE 22**

**Sheet 5, Block 10776, Lots 019, 20 & 21  
Cal. #10-15 PB, Cal. #20-17 WP & Cal. #5-17 SW**

**July 19, 2022**

**WHEREAS**, Wilder Balter Partners, Inc. ("WBP") proposed a 42-unit multifamily residential development comprised of five (5) buildings located on  $\pm 35.4$  acres of land and situated on NYS Route 22 in the hamlet of Goldens Bridge; and

**WHEREAS**, the Planning Board approved the WBP project via Resolution dated February 26, 2019 ("the Approving Resolution"); and

**WHEREAS**, WBP satisfied all applicable conditions, the Site Development Plans have been signed, building permits issued, and the project is currently under construction; and

**WHEREAS**, the proposed buildings are designed and approved to include automated fire sprinkler systems as per applicable NYS building and fire prevention codes; and

**WHEREAS**, in addition to the automatic sprinkler systems referenced above, Condition #67 of the Approving Resolution states: "Each building shall be equipped with an additional fire connection and dry line to service sprinkler heads in the building attics"; and

**WHEREAS**, in an email from Robert Melillo of the Goldens Bridge Fire Department ("GBFD"), copied to the GBFD Chief, the GBFD identified that it has concerns relating to the dry sprinkler system in the attics and that it would prefer not to have the dry systems installed unless they are to be tied to the main automatic sprinkler system; and

**WHEREAS**, the dry sprinkler systems in the building attics are not a code requirement. They were included, as a condition in the Approving Resolution, as an additional safety measure; further, it is not feasible to connect the dry attic sprinkler system into the main automatic sprinkler system.



**NOW, THEREFORE, BE IT RESOLVED THAT,** at the request of the GBFD, the Planning Board hereby modifies the Approving Resolution to eliminate Condition #67; and

**BE IT FURTHER RESOLVED THAT,** all other conditions of the Approving Resolution shall remain in full force and affect.

**ADOPTION OF RESOLUTION**

**WHEREUPON,** the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>no</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>aye</u>

Janet Andersen <sup>cc</sup>  
Janet Andersen, Chairperson July 19, 2022